



New State Laws and Proposed Federal Legislation

**Rachel Anderson,
Data Quality Campaign**

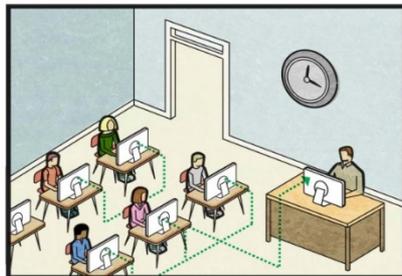
**Alan Simpson,
iKeepSafe**

Where We Are



- » School as we know it is changing
- » Tech and information needs evolving faster than our policies
- » Lack of communication with parents and the public about value of data
- » How do we address the personal nature of privacy?

Evolution of Privacy Concerns



Self-reported student data

- Protections and use of data collected when teachers and schools use free cloud based tools
- Protections and use of data collected through school-sanctioned social networking or communication tools

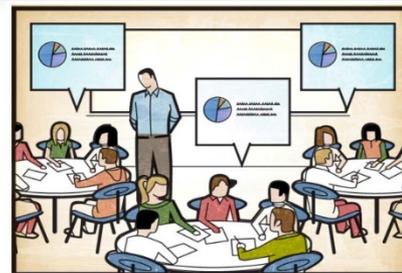
2014

2015

-2016

School-reported student data

- The scope and type of student data schools collect and the privacy of those data
- Who is collecting and accessing student data/education records
- The role of 3rd party service providers
- The role of the Assessment Consortia



@EdDataCampaign

#eddata

State Legislation on
STUDENT DATA PRIVACY

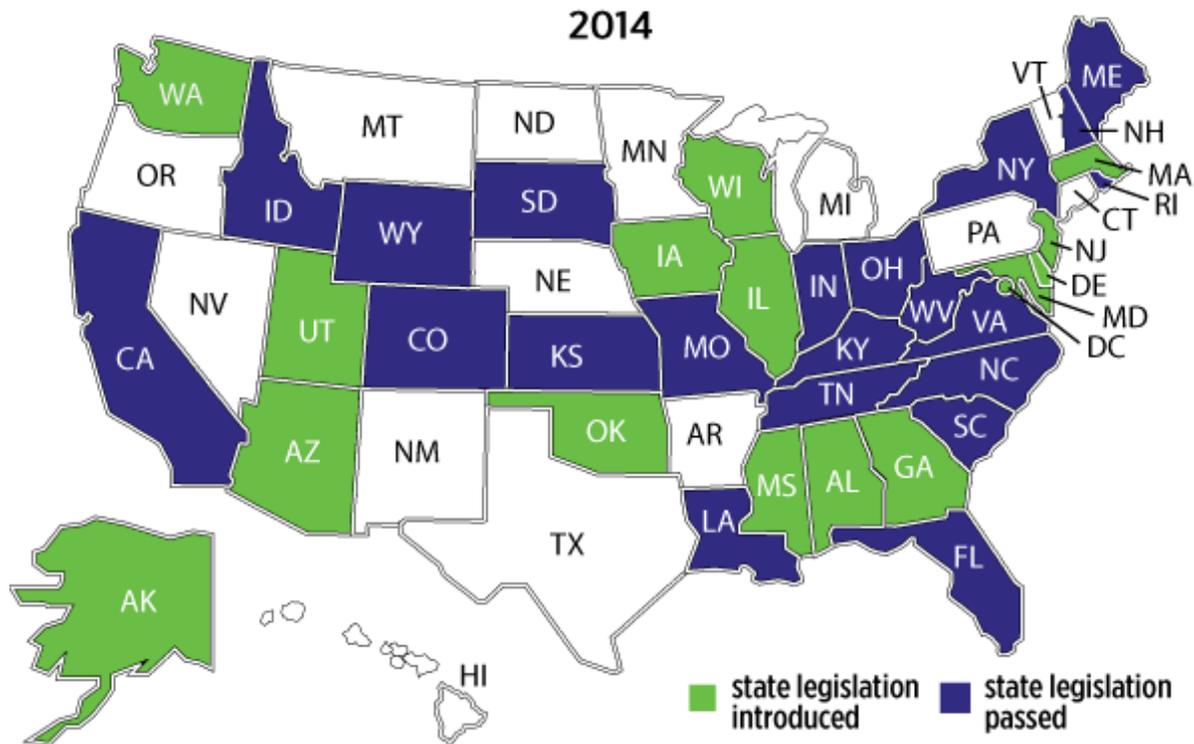
2014 State Legislative Activity

110

bills related to
student data
privacy in

36

states



2015 State Legislative Activity

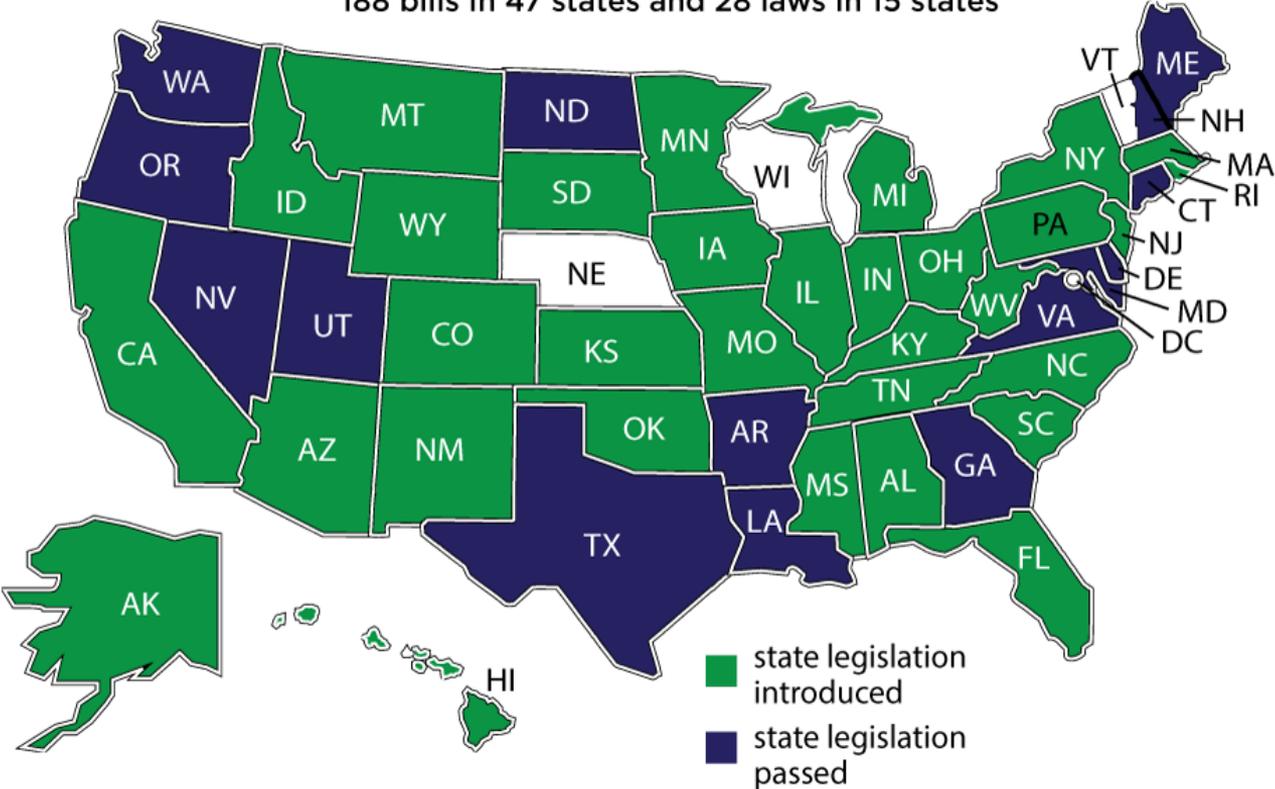
2015 Student Data Privacy Legislation
188 bills in 47 states and 28 laws in 15 states

188

bills related to
student data
privacy in

47

states



2015 Legislative Themes

- Governing the data use and privacy activities of online service providers
 - Directly (SOPIPA model)
 - Indirectly (through contracting requirements)
- Concerns about commercialization of data
 - Targeted advertising and personalized learning
- Legal/technical support for districts
- Parental opt-in/-out
- Data governance and transparency at the state level

Core of California student privacy laws:

Senate President Steinberg: SOPIPA "makes clear that data collected by private companies needs to be used only to enhance and improve the education for young people."

AB 1584 requires that student data managed by outside companies remain the property of school districts and in their control. Companies can't use student records as they please.

Implications of New State Laws

- Direct governance of service providers by states.
- Increased focus on parent consent and opt-out.
- Inconsistent definitions and provisions for service providers.



Federal Activity on
STUDENT DATA PRIVACY

Federal Student Privacy Activities in 2015

- **FERPA Amendments**

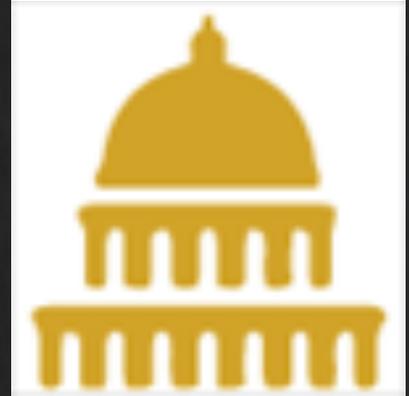
- Potential changes to scope of data governed and school official definition

- **ESEA Reauthorization**

- Continued focus on data, evaluation, and evidence.
- New public reporting and accountability opportunities

- **Messer-Polis and Blumenthal-Daines**

- Use of student data by service providers



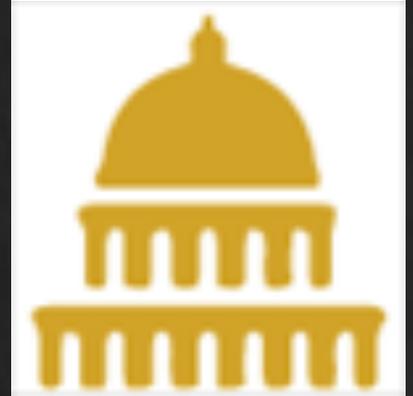
Family Educational Rights and Privacy Act



Establishes student privacy rights by restricting with whom and under what circumstances schools may share students personally identifiable information.

Implications of a New FERPA Amendment

- Could expand coverage to data outside the student record.
- New education governance responsibilities for the FTC.
- Overall lack of clarity can lead to hesitation to share data.



InformationWeek

Hope Battles Fear Over Student Data Integration

March 26, 2013

A nonprofit startup called **inBloom** was one of the stars of the SXSW Edu event earlier this month in Austin, Texas. Funded by the Bill & Melinda Gates Foundation and the Carnegie Corporation of New York....

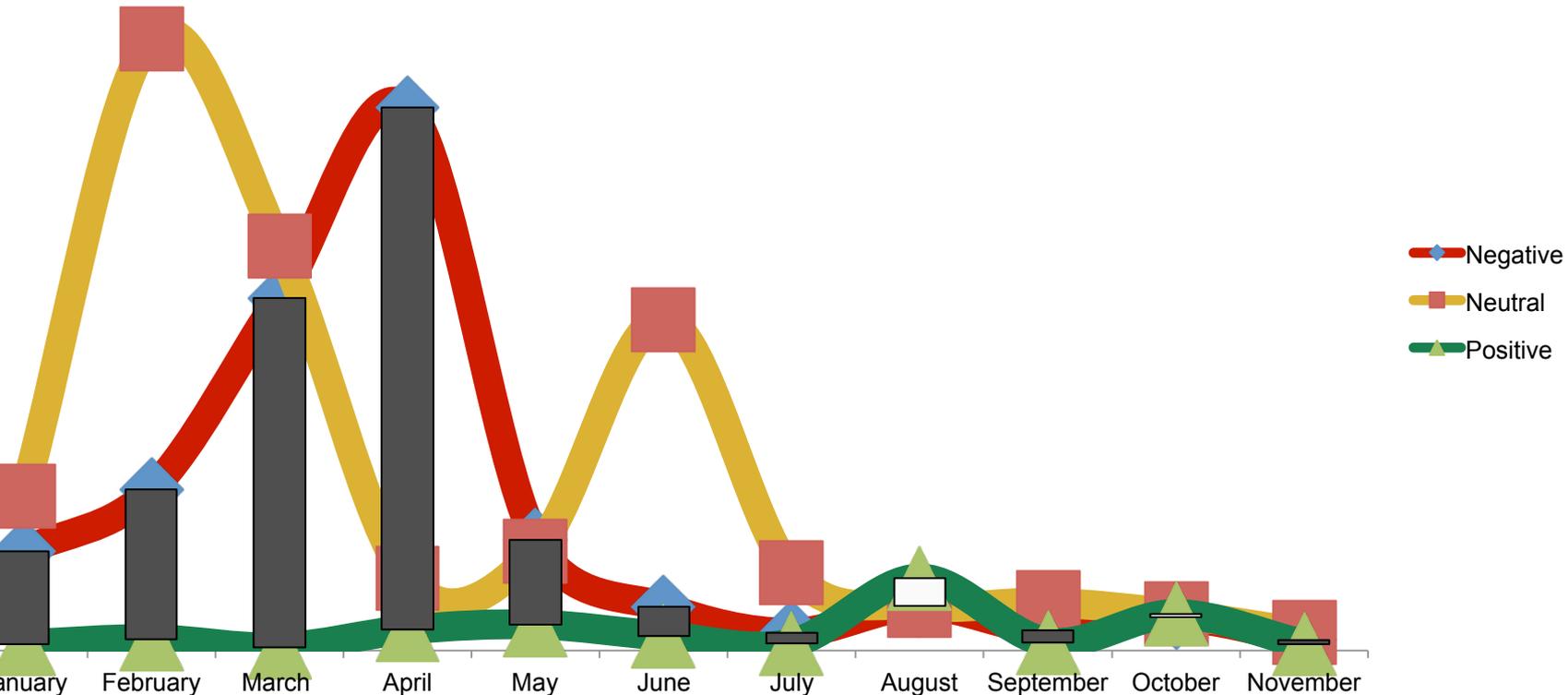
Mind/Shift

What Will Happen to 'Big Data' in Education?

April 3, 2014

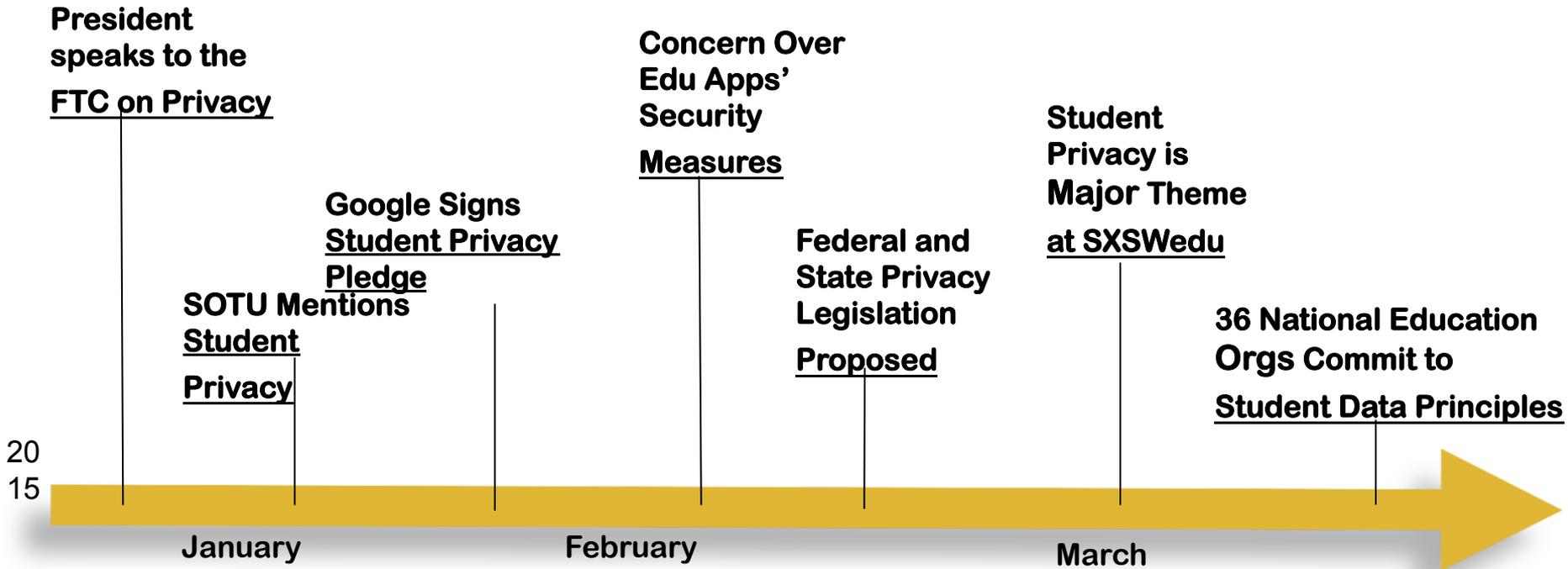
Yesterday, a \$100 million startup lost its last customer... the state of New York, [inBloom](#)'s last remaining client, will delete all student data on the repository due to privacy concerns.

Taking the *Pulse* of the Media In 2014...



Taking the *Pulse* of the Media

From the headlines of 2015...



Advocate & Parent Concerns

- λ Targeted advertising
- λ Commercialization of education
- λ Federal takeover of education
- λ “My child is not a data point”
- λ Academic tracking
- λ Fear itself

Edtech / Developer Concerns

- λ Define targeted advertising
- λ Define “personally identifiable information”
- λ Who are covered vendors?
- λ How will parents access and correct data?
- λ Teacher-authorized vs district-authorized