



**Testimony – David Sallay, Future of Privacy Forum
H.532/S.280 An Act Relative to Student and Educator Data Privacy
Joint Committee on Education
October 30, 2023 1pm ET**

Good afternoon and thank you for the opportunity to testify before you regarding bill H.532/S.280. My name is David Sallay, and I am the director of youth and education at the Future of Privacy Forum (FPF), a global non-profit organization dedicated to advancing principled data practices in support of emerging technologies. Prior to this, I worked as the chief privacy officer at the Utah State Board of Education. My testimony today will be based on my role at FPF as well as my personal experiences being one of the few people in the country who has held the job this bill proposes to create.

In general, we would like to commend you for taking on this important topic. Parents, students, and educators want access to high quality educational tools that they can also trust will not be misused. When I started work in privacy in Utah, schools and districts were extremely inconsistent with how they applied federal privacy requirements, and parents often had little recourse for violations. By creating specialized privacy positions, model documents, training, and accountability, our legislature helped create structure, transparency, and consistency.

Since 2013, FPF has tracked 125 state student privacy laws that have passed in 42 states.¹ These do not just address issues in the past; the recent release of new tools powered by generative AI demonstrates the continuing need for legislation that designates individuals at the state and district levels who understand the privacy implications of using educational technology, including what contractual terms and protections will be appropriate with the operator. On the plus side, Massachusetts now has the benefit of learning from 10 years of what has worked well in other states. Two that I will highlight, since we also had them in Utah, are designating privacy-focused personnel and requiring training.

FPF recently published a case study on student privacy in Utah,² which focuses on the value of designating specialized privacy staff at the state level. Since I held the role, I can speak from personal experience about how by developing strong relationships with districts and schools, we were able to create resources that removed burden from our schools while ensuring compliance. One area of difference between this bill and ours in Utah is that our law authorized

¹ <https://studentprivacycompass.org/state-laws/>

² <https://studentprivacycompass.org/resource/utah-case-study/>

the chief privacy officer to investigate alleged violations of student privacy laws. Adding a similar authority would allow the commonwealth to streamline and simplify any enforcement.

FPF commends the proposals to ensure that preservice educators receive instruction on privacy, security, and confidentiality as part of the curriculum in educator preparation programs and to require annual training for educators as a condition of their certification. FPF has recently published scenarios for K-12 educators³ and administrators,⁴ which we designed specifically for use in educator preparation programs.

We note, however, that this will not cover many of the individuals with broad access to covered information, including procurement staff, instructional technology specialists, IT, and other administrative staff. These are the individuals who will likely review and approve new educational technologies in schools. We encourage you to ensure that all staff receive more specialized training at a frequency appropriate for their roles.

In summary, we believe the commonwealth is heading in the right direction by designating individuals to oversee privacy and ensuring that all roles receive appropriate training. FPF has existing resources that address much of this. We would also welcome the opportunity to work directly with the bill sponsor to further refine the bill. In the meantime, I am happy to answer any questions the committee has. Thank you.

Sincerely,
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³ <https://studentprivacycompass.org/resource/scenarios-user-guide/>

⁴ <https://studentprivacycompass.org/resource/student-data-privacy-and-data-ethics-scenarios-for-school-leaders/>