



Student Data Privacy

Request: Support state and district efforts to use data for teaching, learning and family engagement, including promoting balanced privacy protections.

Background: In recent years, most states approved new laws focused on promoting student data privacy, while preserving the ability of school districts and states to use data effectively, including working with community and other partners to promote student achievement. These new state laws complement the protections provided by the Family Educational Rights and Privacy Act (FERPA), including the positive regulatory improvements adopted by the U.S. Department of Education in 2008 and 2011. New state laws also align with the federal privacy protections enforced by the Federal Trade Commission. Building educators knowledge about how to meet these requirements and protect students' personally identifiable data is vitally important. The Department of Education's Privacy Technical Assistance Center (PTAC) serves as powerful resource for schools, school districts, state education agencies and other entities required to comply with FERPA. PTAC's guidance materials, presentations, and other tools help the education community understand how to meet FERPA's requirements and adopt other best practices to protect student data.

Our Position: Teachers and other education professionals must be able to use data to better serve their students at the same time that personally identifiable data is protected from improper uses. This goal can be accomplished by adhering to the following principles.

- Successful data use, including ensuring best in class privacy protections, not only requires sound policies and practices, but also meaningful attention to building the privacy protection capacity of our school leaders, teachers, and other staff. We commend Congress for including language in the Every Student Succeeds Act (ESSA), which permits the use of ESSA, Title II's professional development resources for helping educators use data effectively, including better protecting student data privacy.
- Using technology to provide the right people, with the right data, at the right time is critical to effective decision-making at the classroom, school, district, and State levels. States and districts are working hard to ensure their data uses are supported and guided by well-designed strategies and practices to protect students. PTAC provides invaluable resources to support this work.
- Community based organizations, researchers, and private partners play an important role in supporting our district's efforts to meet every student's needs. Collaborating with partners, including appropriately and lawfully sharing student information with them to improve teaching and learning, and to support school and district decision-making, greatly enhances our ability to improve student outcomes and efficiently run our district.
- If Congress considers privacy legislation, it should avoid overreaching in ways that might create unintended consequences for educationally appropriate data sharing, including avoiding prescriptions that disrupt appropriate private partnerships, research, evaluation, and other

activities designed to support district administration and related State policymaking or stifle innovative and effective web based technology resources.

- Protecting student data is not a one-time event. Educators' data needs evolve, security threats are constantly changing, and professional development needs are ongoing. Congress should provide ongoing support that recognizes the dynamic nature of this working, including helping states and school districts to implement appropriate technical, physical and administrative safeguards.