

Testimony in Support of HB 2711  
13 February 2015  
by  
Lisa A. Shultz, M.S.E.E.

Dear Chair Doherty and Members of the House Education Committee:

I am writing in strong support of HB 2711.

This bill addresses many of the concerns that parents have regarding access to student data by agencies and organizations outside of their child's school (e.g. vendors of commercial education software, state agencies, private third parties, and others) which has become commonplace in school districts as technology for education applications has become the norm. Why are these additional protections and safeguards necessary?

Consider this comment from edu-tech blogger Audrey Watters from her piece, **Student Data is the New Oil: MOOCs, Metaphor, and Money**[1]:

*"We must ask, for starters, "who owns students' data?" Because even though laws like FERPA purport to protect the privacy of students' education record, there isn't a clear provision that states the student record belongs to the student. And as I noted earlier, that student record has expanded to include much much more "data" than when the law passed in the early 1970s. Furthermore, recent revisions to FERPA make it easier for schools, at best the guardian of that record, to release student data to companies that provide educational services and software. The learning management system, for example, the adaptive learning software, the digital textbook publisher, the online course provider.*

*Of course, this is complicated by the fact that FERPA's protections -- as out-of-date and as frustrating as they have become in a digital world -- only cover students in formal academic settings. These protections only cover students enrolled in programs which receive federal funds under certain Department of Education programs. That leaves open a whole swath of companies -- many new for-profits in the education technology sector -- that need make no pretense of protecting student data under this regulation."*

Of particular note, is Section 1 (d) calling for removal of PII when no longer needed from the student record. Removal or destruction of data when no longer needed as an important part of established data privacy frameworks. The Privacy Technical Assistance Center of the U.S. Education Department has created a document discussing "Best Practices for Data Destruction" [3] which states: *"When data are no longer needed, the destruction of the data becomes a critical, and often required, component of an effective data governance program. Data destruction is the process of removing information in a way that renders it unreadable (for paper records) or irretrievable (for digital records)."*

The recommendations in this bill and other student privacy bills that are being considered by this Committee would serve to meet the guidelines in the framework that is outlined in a recent letter to U.S. Representatives Polis and Messer by the Parent Coalition for Student Privacy [2] and address concerns regarding *“the widespread, rampant, and poorly regulated data collection, data-sharing, data-tracking, data-warehousing, data-mining, and commercial exploitation of personally identifiable student information.”*

I hope that you will support this bill along with others to create a strong framework of student data privacy protections for Oregon’s students.

Thank you for your consideration of this testimony. Please feel free to contact me with any questions or concerns.

Sincerely,  
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[1] <http://hackededucation.com/2013/10/17/student-data-is-the-new-oil/>

[2] <http://www.studentprivacymatters.org/?p=526>

[3] <http://ptac.ed.gov/sites/default/files/Best%20Practices%20for%20Data%20Destruction%20%282014-05-06%29%20%5BFinal%5D.pdf>