

State Privacy and Security Coalition, Inc.

February 20, 2015

Re: Request for Amendments to SB 187 – Student Data Privacy Act

The State Privacy & Security Coalition, which is comprised of 25 leading communications, technology, retail, and media companies, as well as 6 trade associations, writes to express its opposition to SB 187.

We strongly support the goal of your proposed Student Data Privacy Act, SB 187. The Coalition and its members share your view that the law should protect students' safety and privacy without compromising their ability to learn in the manner that is uniquely best suited for them. Our Coalition has worked for several weeks to develop a small number of changes to the bill text that we believe are necessary to clarify the scope of this bill for the companies who must comply with it in order to ensure that uncertainty does not discourage innovation in the vitally important field of education technology.

Although the bill's purpose is to regulate services that collect student data in a K-12 school context, we are concerned that ambiguity in the bill's definitions could permit the interpretation that it regulates non-K-12 services and non-student data as well. We propose precise language to clarify the types of services and business practices governed by the bill. Furthermore, as drafted, the bill would impose the same restrictions intended for student data on data regarding school employees – a restriction that would likely violate the First Amendment to the U.S. Constitution. We believe that amendments more clearly defining the bill's scope will avoid uncertainty and constitutional concerns.

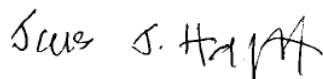
We also believe that the bill should be amended to give parents or students the ability to make choices about use of student information where they receive clear and conspicuous notice of a user or disclosure and provide affirmative consent. Students and parents should have a right to decide how student information is used and obtain the benefits of its use.

Finally, we are concerned that the bill could be interpreted to prohibit many activities that are necessary for operators to comply with other federal and state laws, ensure security of the services they provide, customize services to optimally and uniquely meet each student's needs, and innovate in order to provide ever-better educational services to students.

We have attached a small number of proposed changes to SB 187 that we believe would achieve these aims along with footnotes explaining the rationale.

Please don't hesitate to contact us with any questions. We look forward to working with you.

Sincerely,



James J. Halpert, General Counsel