



Oregon Department of Education

Kate Brown, Governor

Office of the Deputy Superintendent

255 Capitol St NE

Salem, OR 97310

Voice: 503-947-5600

Fax: 503-378-5156

SB 187: Oregon Student Information Protection Act
Senate Judiciary Committee
April 15, 2015

Chair Prozanski, members of the committee, for the record I am Ben Tate, Chief Information Officer at the Oregon Department of Education. I am here today to testify in favor of SB 187-A, which instructs operators of online education services to follow specific measures to protect the student information they collect as part of their agreements with schools and districts.

Background:

The safety, accuracy, and security of student education records is a critically important mission for the Oregon Department of Education. ODE has created a comprehensive Information Security and Privacy Program (<http://goo.gl/XmbtoC>) that incorporates Security protections required by state and federal laws, state policy, and best business practices.

There are three primary risks to student data: human error and misuse; unsound processes and policies; and technology failures. We are in an age where the rapid rate of technical change leaves us more vulnerable to human error than in previous years.

ODE has measures in place to address these three areas for all department staff. We provide annual notices to school districts regarding the federal laws in place regarding student privacy and how to ensure their staff are in compliance. However, neither ODE nor district staff have direct access to all vendor staff who may have access to student data through the various relationships that districts have.

Each district specifies certain privacy provisions within the contracts they sign with vendors, and each contract must comply with FERPA. However, there are gaps within existing practices. What can a vendor do with data once the nature of the contract has been fulfilled? What is the recourse for a district if a vendor violates the terms of the contract?

Legislation:

SB 187 instructs operators of online education services to follow specific measures to protect the student information they collect as part of their agreements with schools and districts.

This bill addresses those gaps that exist and provides an additional layer of protection for students and districts. This allows school districts to continue to access the tools they need from the vendor community to positively impact education. It holds the vendor community accountable for fulfilling

the terms of the contracts, and not straying outside of those terms. It provides districts with a resource if a vendor does violate the terms of the contract.

This is an important step in increasing the protection available to our students and addressing some of the gaps in policy that have been created by the rapid rate of technical change in the last five years.

Thank you for considering this important piece of legislation for our students.