



SB 187A Is Incomplete – Oppose Unless Amended

The purpose of this legislation is to protect students' privacy and ensure that students and their parents – not companies, not a government entity – are the primary controllers of student data.

Like the Attorney General and other stakeholders, the technology industry wants a Student Data Privacy bill that Oregon can be proud of – a bill that protects student privacy *and* allows parents and students to make choices about how the data is used and shared. The –A14 amendments maintains the new protections created by SB 187A, but enables innovation and evolution in technology to continue in the classroom.

Recommended Search Engines:

In order to allow for the 21st century librarian to exist, the right to recommend digital content is needed.

Oregon should allow for an operator to recommend additional content based on the student's activities and interests, as has been permitted in almost all states with similar student privacy bills.

How it works: An operator would be allowed to recommend additional content or services related to educational, learning, or job opportunities.

- The recommendation could be in no way paid for by a third party.
- The recommendation is made based on student's activities. It's not about selling a product.

Why it's needed: If Oregon's vision for education is to create a Pre-Kindergarten through Grade 20 Pipeline, we should allow for technology to help connect students to information that is relevant to their current grade and their future possibilities. In a world of overwhelming amounts of information, we should allow technology to assist students in finding what best applies to them.

A comprehensive study from Tufts University indicates that these kinds of personalized tools actually *increase student engagement* – they do not bring distractions to the classroom. *"Digital tools help to promote these goals by facilitating student-centered, personalized learning practices, which are flexible and responsive to young people's learning needs and interests, enable them to progress at their own pace to master core competencies, and maximize opportunities for learning beyond the classroom. Research demonstrates that this type of learning environment increases student engagement."*

Parental Consent:

In order to allow parents to take their child's data where they want, a provision to OPT IN is needed.

By not allowing a consent mechanism to share their data, parents and students are having their authority taken away. Without the amendment, the **government** is the **only** keeper of the data. Parents only have limited choices on using it.

How it works: The consent mechanism provides parents the right to give consent, when clear and conspicuous notice is given, for the data to be used outside the school setting. A few important facts about this type of notice:

- Clear and conspicuous notice and affirmative consent is the gold standard and is found in all major federal child and student privacy statutes, including COPPA, FERPA, and the Protection of Pupil Rights Amendment
- Clear and conspicuous means the consent 1) has to be obvious and easily seen; 2) has to be easily understandable – both what the data is being used for and understandable for the age of the person given consent; and 3) it has to be easily understood if the parent is opting-in (giving consent) or staying out (as the default is out).

Why it's important: Just as students can take their physical copy of grades anywhere they want or take a portfolio and give it to a potential employer, coach, religious institution, or company, they should be able to do that with their digital data. Here are some examples of what parents may want to consent to:

- A student athlete should have the ability to give their data to an athletic trainer or a company that helps athletes analyze their data and provide advice on how to enhance their performance.
- A drama student may want to post their audition video on YouTube or Vevo.
- An engineering student may want to provide their data to an engineering firm who wants to provide them summer internships.
- A student simply may want their parents to consent to allow their data to be used to help them get into college, get scholarships, or get an internship.

Support the –A14 Amendments so Oregon doesn't limit its ability to offer innovative and customized learning to K-12 students.