



Bill: HB 1062 – Education – Student Data Privacy – Reports and Student Data Privacy Council Sunset Extension

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Position: Letter of Information

Committee: House Ways and Means Committee

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This legislation requires each county board of education to provide a certain list of digital tools to the State Department of Education on or before July 1 each year; requires the Department to publish certain information on digital tools provided by each county board; requires the Student Data Privacy Council to submit a report to the Governor and the General Assembly on or before December 1, 2024; and, extends the termination date for the Council to September 30, 2025.

The Public Schools Superintendents' Association of Maryland (PSSAM) and Dr. Jeffrey Lawson, in his capacity as the PSSAM representative to the Council, provide this letter of information regarding House Bill 1062.

The Student Data Privacy Council met as required through 2020 and concluded with a set of recommendations in its final report. The Council concluded that the Student Data Privacy Act had been implemented as intended and provided suggestions in terms of additional clarification and other potential adjustments that could improve the Act's successful implementation. While much of the conversation focused on operators (those third-party vendors who serve Local School Systems [LSS]), there was considerable discussion surrounding the ability of LSSs to ensure compliance on the part of these operators. Moreover, there was also concern about the ability and internal capacity of each LSS to monitor the many operators due to the differences in operations and guidelines among systems.

While this bill incorporates some of the Council's recommendations and extends the Council's termination date, there are some concerning elements for LSSs and our chief information officers. Some of the bill's requirements go further than the Council's recommendations and creates duplicative work for school systems. Specifically, the bill requests student privacy information that is already covered by federal law (FERPA) and each LSS complies with all federal provisions. In addition, the proposed legislation requires LSSs to report digital tools "not authorized" by the county board. Currently, when LSSs discover unauthorized digital tools, we are required to stop using them. Lastly, digital tools constantly change and there are hundreds in use across the state for teaching & learning. Approval of these tools includes extensive student privacy criteria reflected in agreements with vendors. Gathering and reporting

all of the tools and operators in use and providing documentation to the MSDE will be costly and logistically challenging.

Therefore, we respectfully ask the committee to consider these points in your deliberations and to focus on the Council's recommendations and the extension of the Council's work that are incorporated in the bill.

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