



## HB769 STUDENT DATA PRIVACY - PROTECTIONS, DIGITAL TOOLS, AND STUDENT DATA PRIVACY COUNCIL

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WAYS AND MEANS COMMITTEE

### OPPOSE

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Anne Arundel County Public Schools (AACPS) opposes **HB769 Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council**. This bill alters various definitions in law to provide increased protections for student data. It requires each county board of education to provide a list of digital tools to the State Department of Education on or before July 1 each year. The bill also requires the Department to publish information on digital tools provided by each county board on or before September 1 each year and requires the Student Data Privacy Council to report on this information. Further, the bill changes the definitions of “covered information,” “operator,” and “persistent unique identifier” with regards to the Student Data Privacy Act of 2015.

AACPS does not believe that this legislation is necessary as student privacy is currently covered under the Family Educational Rights and Privacy Act (FERPA) and local school systems must comply with all the provisions outlined in the federal law. As such, there is no real purpose to the additions proposed in this bill which would simply create additional work and result in workload issues for a local school system. It is unclear how an online dashboard listing all digital tools that students and schools use helps with the implementation of FERPA or how this helps to further protect student privacy local school systems are already required to protect. The term “digital tools” is also not defined. Another concern is that the legislation requires local school systems to report digital tools that are “not authorized” by the county board of education. First, it is important to note that whether or not to authorize specific digital tools is actually a decision that would be made by a local superintendent as part of the superintendent’s authority and responsibility in running the daily operations of a school system. Second, it is unclear how a local school system would report on digital tools that are “not authorized” if the school system is not aware of every potential digital tool available. The number of potential digital tools available to a local school system is extensive and there is just no reasonable expectation for a school system to be cognizant of every single potential digital tool and determine which digital tools are “not authorized” by the school system.

"It is also important to note that digital tools are constantly evolving, and school systems use numerous digital tools in teaching and learning. In fact, AACPS has a comprehensive approval process regarding materials of instruction, which includes digital tools. This process includes specific criteria in our vendor agreements that address student data privacy. Again, this process exists now as a result of FERPA.

It is also important to note that this bill goes above and beyond recent recommendations by the Student Data Privacy Council. Additionally, the General Assembly passed legislation in recent years addressing the protection and disclosure of student data as well as legislation requiring MSDE develop best practices concerning data governance. As a result of these recent laws, school systems have developed policies and procedures to implement such best practices.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on HB769 as drafted. AACPS understands that the sponsor may have amendments to address these concerns and align this bill with the Senate crossfile SB325. If the committee adopts the Senate amendments, AACPS’ concerns will have been addressed.