

BILL: House Bill 769
TITLE: Student Data Privacy – Protections, Digital Tools, and Student Data Privacy Council
DATE: February 24, 2022
POSITION: OPPOSE
COMMITTEE: Ways and Means
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 769 because it includes provisions to expand the recommendations of the Student Data Privacy Council by imposing additional requirements on local school systems. Specifically, MABE does not support the bill provisions to mandate the identification and posting of all approved, disapproved, and known digital tools.

MABE strongly supported the General Assembly's initiative to establish the Student Data Privacy Council responsible for studying and making recommendations regarding the development and implementation of the Student Data Privacy Act of 2015. MABE continues to endorse the Council's work under the Student Data Privacy Act and its final report of January 13, 2021. These adopted recommendations include the following:

Recommendations: Statutory and Regulatory

- 1.1: Revise the meanings in the SDPA, Md. Ann. Code, Ed. Art. §4–131, to align to the Council developed and approved definitions.
- 1.2A: Establish a mechanism(s) to ensure Operator compliance with the Student Data Privacy Act of 2015.
- 1.2B: Ensure Operator breaches that violate the Student Data Privacy Act are subject to enforcement through the consumer protection law similar to the enforcement of violations under the Maryland Personal Information Protection Act.
- 1.3A: Require Operators to maintain a breach notification plan.
- 1.3B: Require public notification of violations of the Student Data Privacy Act.

Recommendations: Continuance of the Council

- 2.1: Repeal the Council's termination date to allow the Council to continue its evaluation of student data privacy in the State on a permanent basis.
- 2.2: Allow the Maryland Student Data Privacy Council to continue to meet periodically as determined by the Council Chair.
- 2.3: Revise the charge of the Maryland Student Data Privacy Council.
- 2.4: Require the Council to report on its revised charge on a periodic basis.

Again, MABE supports these recommendations and the work of the Council to address the serious and ongoing policy area involving the use by students, teachers, and school systems of online information and educational tools. The attention to the issue in local school systems in Maryland and across the nation is driven by the awareness of the need to adopt school system policies, contract language, and state laws, in order to protect student privacy while using online educational services. MABE believes that extending the sunset provision for Student Data Privacy Council will help to ensure statewide implementation of security measures to prevent unauthorized access, destruction, use, modification, or disclosure of information gathered based on students' computer usage.

For these reasons, MABE requests an unfavorable report on House Bill 769.