

Build State and Local Capacity to Effectively Use Data, while Promoting Student Privacy and Confidentiality

Over the past few years, approximately two thirds of States have approved new laws focused on promoting student data privacy. Many additional state privacy bills were introduced this year. Congress has also taken notice of public concerns about student data. Several federal bills are under consideration to provide new protections for students. These measures include major proposals in the Senate and House to update the Family Educational Rights and Privacy Act and expand the Federal Trade Commission's authority over student data. Effectively using student data is critical to supporting teaching and learning, but data use must be complemented by strong physical, administrative and technical safeguards. States and school districts are leading the way in this important work and Congress should take time to understand the efforts underway nationally before taking additional steps at the federal level.

- Successful data use, including ensuring best in class privacy protections, not only requires sound policies and practices, but also meaningful attention to building the capacity of our school leaders, teachers, and other staff. We commend Congress for including language in the Every Student Succeeds Act, which permits the use of ESSA, Title II's professional development resources for helping educators use data effectively, including better protecting student data privacy.
- Using technology to provide the right people, with the right data, at the right time is critical to effective decision-making at the classroom, school, district, and State levels. States and districts are working hard to ensure their data uses are supported and guided by well-designed strategies and practices to protect students.
- Community based organizations, researchers, and private partners play an important role in supporting our district's efforts to meet every student's needs. Collaborating with partners, including appropriately and lawfully sharing student information with them to improve teaching and learning, and to support school and district decision-making, greatly enhances state and local efforts to improve student outcomes and efficiently run their schools and school systems.
- As Congress considers privacy legislation, it must avoid overreaching in ways that might create unintended consequences for educationally appropriate data sharing, including avoiding prescriptions that disrupt appropriate private partnerships, research, evaluation, and other activities designed to support district administration and related State policy-making or stifle innovative and effective web based technology resources.
- Protecting student data is not a one-time event. Educators' data needs evolve, security threats are constantly changing, and professional development needs are ongoing. We work to ensure that our policies reflect this dynamic environment; so that we can meet our professional's needs and anticipate and address policy or practice gaps that might compromise our students' privacy. Congress should encourage States and districts to implement appropriate technical, physical and administrative safeguards and invest in state and local capacity to use and protect student data.