

BILL: House Bill 245
TITLE: Education - Student Data Privacy Council
DATE: February 7, 2019
POSITION: SUPPORT
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, supports House Bill 245.

House Bill 245 would create a Student Data Privacy Council responsible for studying and making recommendations regarding the development and implementation of the Student Data Privacy Act of 2015. MABE supports House Bill 245 in order to further the work initiated by Student Data Privacy Act. MABE believes it is timely to consider developments in technology, review other States' regulatory approaches, and develop legislative or regulatory changes relating to ensuring student data privacy.

MABE supported the 2015 legislation to address a serious and recently emerging policy area involving student use of online information and educational tools. The U.S. Department of Education's Privacy Technical Assistance Center (PTAC) released updated guidance in 2014, and Maryland's new law reflects the best practices identified by the department and practitioners in the field of school law. The federal guidance summarizes the major requirements of the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) that relate to the use of online educational services, and urges schools and districts to go beyond compliance to follow best practices for outsourcing school functions using online educational services, including computer software, mobile applications and web-based 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 establishing the 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 a favorable report on House Bill 245.