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National Parent Teacher Association

Before the United States House of Representatives
House Committee on Education and the Workforce
Subcommittee on Early Childhood, Elementary and Secondary Education

Hearing on How Emerging Technology Affects Student Privacy

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National PTA thanks Chairman Rokita and Ranking Member Fudge for the opportunity to submit testimony to the Committee on Education and the Workforce. On behalf of the National Parent Teacher Association, I express my appreciation for holding a hearing to discuss emerging technology and its impacts on student data privacy.

My name is Shannon Sevier. Vice President of Advocacy for the National PTA, past European PTA President and proud mother to Ryley, McKenzie, Meraleigh, Ryan and Hanna.

Founded in 1897, PTA is the oldest and largest volunteer child advocacy association in the United States. For more than 118 years, we have worked side by side with policymakers at every level to improve the lives of our nation's children, including the passage of child labor laws, providing nutritious lunches in school, improvements to the unfair and punitive treatment of children in the justice system, and overall increased education opportunities for all children.

With more than four million members and 22,000 local units in every U.S. state, the District of Columbia, Puerto Rico, the Virgin Islands, and Europe, PTA continues to be a powerful voice by advocating for federal policies to improve educational equity and opportunity for all children and their families. With access to so many families PTA also recognizes our responsibility to our membership to approach changes in education policy through engagement and outreach, and to recognize that true advocacy is achieved through stakeholder consensus and collaboration.

With regard to today's hearing, National PTA has long been a vocal advocate of keeping kids safe: safe at school, safe at home, and safe online. National PTA believes that our children's schools should provide safe and nurturing environments for both teaching and learning. This includes ensuring that all student data is safe and secure.

The National PTA's position statement on technology safety clearly states: *National PTA opposes the practice of collecting, compiling, selling or using children's personal information without giving parents notification or choice with respect to whether and how their children's personal information is collected and used. The National PTA takes student data privacy seriously, and believes we should strive to guarantee the effective use of students' information, while keeping that information protected.*

While student data management has changed, parents' and students' expectation of privacy has not, and as such National PTA has made safeguarding student data a key pillar of our overall policy agenda. In order to demonstrate our commitment to this critically important issue, PTA has taken steps to encourage action by supporting common sense approaches and informing our parents about the importance of keeping their children's data safe.

The Administration has also called attention to this issue, announcing its support of what it calls, The Student Digital Privacy Act, which would build upon the basic language of record management, release and review offered by the Family Educational Rights and Privacy Act, or FERPA. This law was written in 1974 with the intent to protect the privacy of student educational records and includes a parental consent provision. Over the past 40 years, however, the concept of privacy has evolved from the right of direct control, to an individual's right to control the information they have entrusted to others. This wrinkle in control requires subsequent change to student data privacy policy.

As a general rule of thumb entities collecting educational data should seek to provide value back to the people on whom data are being collected. Our children's data, our children's privacy, should not be treated as a product or commodity. Until now the collection and use of student data could not be feasibly used to target advertising or amass profiles by third party vendors. The use of student data for other than educational purposes was not contemplated on a large commercial scale. Now that it is, FERPA provisions must be updated to address the privacy concerns presented through such use.

In addition to the diversified use of student data, we are seeing this data collected and stored in a different fashion heretofore not addressed by FERPA. State by state we see the construction of longitudinal data systems that hold hundreds or even thousands of pieces of data related to individual students – typically demographic, enrollment, curriculum choice, test-performance and grade information. The extent to which this information constitutes a student's legal "educational record" is unclear as are the policies for protecting student data through cloud-based computing.

Current policy also begs the questions: who owns the data and who is responsible for the management of the data; has the data been collected ethically, with full consent and notification; and what constitutes sufficient notice in the case of breeches or unauthorized release of data?

Parents, as their child's first educator, play a unique role in education reform. Whether big or small, reform will be unsustainable without the buy-in of these key stakeholders. National PTA remains committed to engaging parents, to guaranteeing students have safe and secure access to technology in the classroom, and committed to supporting policies that ensure responsible management of student records, digital or otherwise. We respectfully ask this Committee and this Congress to work together to find the best way forward to protect student data privacy and ensure student data security. National PTA commends the committee for holding this hearing, and highlighting the need for sound federal policy that balances the promise of educational technologies with student data privacy and security.