



**Opening Statement of Rep. Virginia Foxx (R-N.C.), Chairwoman,
Committee on Education and the Workforce Hearing on “Protecting
Privacy, Promoting Data Security: Exploring How Schools and States
Keep Data Safe”**

Over the past several decades, there has been a significant leap in the ways that technology can be used to strengthen classroom instruction and improve student outcomes. Companies specializing in education technology have provided teachers, school districts, and states with the cutting-edge software and tools needed to create a modern learning environment that inspires student success.

The use of this technology can greatly enrich the student experience and help teachers adjust instruction according to the needs of their students. However, questions of privacy will always accompany any discussion of student data collection, as well they should.

Concerns have been raised that information such as attendance records, school performance, and other aspects of students’ personally identifiable information may be shared, sold, or mined by the companies that collect it.

In an effort to provide parents with confidence and peace of mind, several companies have signed a “Student Privacy Pledge” that holds service providers accountable to a list of stipulations, including not selling student information, providing comprehensive security, and being transparent about the collection and use of data.

While this commitment from the technology community is encouraging, it is only half of the equation. More must be done to ensure that student data remains confidential, and updating the Family Educational Rights and Privacy Act (FERPA) is a crucial step to ensure better protections. This law is intended to protect student privacy and stipulates who may access student education records and the ways those records may be shared, both with and without parental consent.

(More)

More than 40 years have passed since FERPA's enactment in 1974. In those decades, which have seen breathtaking innovation and technological advances, FERPA has been amended just a handful of times to address changing circumstances under which a student's personally identifiable information may be released.

Times have changed and the law is in need of a more substantial reform to better reflect the current realities of data collection in schools and classrooms. We need to clarify what data is a part of the record, we need to ensure access to the information is limited to those who truly need access to the data, and we need to ensure that anyone who accesses that information is known and knows the rules of using that data.

In January, this committee held a hearing on evidence-based education policymaking and the importance of strengthening education research while protecting student privacy. Today we are focused on what schools and states actually do to protect that data, through limiting what is collected and providing better security over the data that is collected. Given their unique areas of expertise, I'm looking forward to hearing our witnesses give members an on-the-ground look into what states and educators are doing to keep students' personally identifiable information safe.

I look forward to the discussion today as this committee works to ensure the continued protection of student privacy.

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