



Student Data Privacy

Request: Support state and district efforts to protect student privacy by empowering teachers and school leaders. Support the use of relevant data to inform teaching, learning, family engagement, and decision making by school district and state education leaders.

Background: In recent years, states passed well over 100 new laws focused on promoting student data privacy while preserving the ability of school districts and states to use data effectively, including working with community and other partners to promote student achievement and family engagement. These new state laws complement the protections provided by the Family Educational Rights and Privacy Act (FERPA), including the important regulatory improvements to FERPA adopted by the U.S. Department of Education in 2008 and 2011. Building educators' knowledge about how to meet these requirements and protect students' personally identifiable data is vitally important. The Department of Education's [Privacy Technical Assistance Center](#) (PTAC) serves as a powerful resource for schools, school districts, state education agencies, and other entities required to comply with FERPA. PTAC's guidance materials, presentations, and other tools help the education community understand how to meet FERPA's requirements and adopt other best practices to protect student data.

Our Position: Protecting the privacy of student personally identifiable information (PII) and empowering teachers and other education professionals to effectively and responsibly use data to better serve their students go hand-in-hand. These goals can be accomplished by adhering to the following principles:

- Effective data use, including upholding best-in-class privacy protections, not only requires sound policies and practices, but also meaningful attention to building the privacy protection capacity of our school leaders, teachers, and other staff. We commend Congress for including language in the Every Student Succeeds Act (ESSA), which permits the allowable use of ESSA Title II, Part A professional development to help 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. PTAC provides invaluable resources to support this work.
- Community-based organizations, researchers, and private partners play an important role in supporting district 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 the ability to improve student outcomes and efficiently run school districts.
- When Congress considers privacy legislation, it should avoid overreaching in ways that might create unintended consequences for educationally appropriate data use, including avoiding prescriptions that disrupt appropriate private partnerships, research, evaluation, and other activities designed to support classroom education, district administration, and related state policymaking.
- Protecting student data requires continuous attention and improvement. Educators' data needs evolve, security threats are constantly changing, and professional development must be ongoing. Congress should provide ongoing support that recognizes the complex and dynamic nature of this work, with resources, including training and technical support to help states and school districts build mature privacy programs that properly protect the privacy of student data.