

Student Data & Privacy

AASA members understand and value the importance of both student data and protecting student privacy as it relates to supporting student achievement/learning and working to balance student privacy without limiting the ability to use data to further improve instruction and achievement. There are multiple federal student data/privacy related bills at or past due for reauthorization, including FERPA (Family Educational Rights and Privacy Act), PPRA (Protection of Pupil Rights Amendment) and COPPA (Children's Online Privacy Protection Act).

FERPA was signed into law in 1974, designed to give parents access to their student's educational records. Over the years, FERPA has collected a set of complex rules, guidance and related laws, but hasn't been reauthorized. As emerging technologies have significantly shifted the ways data is collected, stored and used, it has become clear that FERPA is not fully equipped to regulate these technologies.

Student Digital Privacy and Parental Rights Act: AASA endorsed this legislation (HR 2092), designed to regulate online service providers in a way that balances the need for data security with the need to use data to improve instruction. It was introduced by Reps. Polis (D-CO) and Messer (R-IN).

FERPA Reauthorization: The House Education and Workforce Committee circulated a draft proposal to reauthorize FERPA. While the legislation has yet to be formally introduced, it is an important marker. The draft maintains FERPA's focus on promoting student privacy through state/local education agencies while increasing the law's existing prohibitions and requirements.

Student Privacy Protection Act (S. 1341): Sen. Vitter (R-La) introduced this legislation, which would prohibit funding of educational agencies or institutions that allow third parties to access student data, with very few exceptions. While we commend the legislation's goal of better protecting students' privacy, this bill does not strike an appropriate balance between strengthening data privacy, while still supporting the essential data and technology practices that help children learn. This bill would eliminate the ability of schools and teachers to personalize learning for students, make it difficult for state policymakers to make evidence-based decisions, and frustrate schools' efforts to close equity gaps and prepare all students for success after high school graduation. Additionally, this legislation would completely restrict the majority of public schools from collecting specific types of data, including academic, behavioral, and mental health screenings, needed to enhance school improvement efforts, identify early risk factors, prevent problems before they occur and promote comprehensive school safety.

AASA talking points:

- Support policies that provide coherent and easy-to-understand guidance for parents and educators regarding FERPA, PPRA, and COPPA and their protections of the privacy and security of student data.
- Support efforts to update federal privacy statute and related regulations that update definitions to address the realities of the digital age, making it possible to protect data while ensuring appropriate use of student data for legitimate educational needs and reforms.
- AASA opposes efforts to reauthorize privacy statute in conjunction with ESEA. Student data/privacy is broader than K12. While the two policies need to coordinate, they must remain separate.
- Support Student Digital Privacy and Parental Rights Act (HR 2092).
- Oppose Student Privacy Protection Act (S. 1341).