

Regarding the proposed bill:

HB2262

- Compliance and penalties for noncompliance with the student data privacy act.**

Regarding enforcing the provisions of the student data privacy act:

To ensure the enforcement of the student data privacy act, I am in support of the bill to allow the bringing of a court action against any person or entity in violation of the student data privacy act.

The data on students attending educational institutions is private, as well as valuable. Any means to protect the illegal acquisition or misuse of said data should be supported.

The Fordham University Law School's Center on Law and Information Policy published "A Study of Elementary and Secondary School State Reporting Systems" finding the privacy of our nation's school children is at risk. The study finds that large amounts of personally identifiable data and sensitive personal information about children are stored by the state departments of education in electronic warehouses. These data warehouses have been often found to lack adequate privacy protections and leave children's data unprotected from misuse, improper release and breaches.

In 2009, Kansas received \$9.1M in state stabilization funds which included a commitment on the part of the state to create a state longitudinal data system (SLDS) according to parameters delineated by the US Department of Education. The state had to show progress in creating the SLDS in order to apply to Race To the Top funds. The SLDS is a P-20 system. This is an individual student data system expanded beyond K-12. "P" includes the preschool years prior to kindergarten, 13-16 includes the student's college years, and 17-20 includes the individual adult's life beyond college into the workforce.

The goal of the SLDS, as explained by the National Center for Education Statistics, is to support data-driven decisions to improve student learning and to facilitate research to increase student achievement and close achievement gaps. The systems are intended to enhance the ability of states to manage, analyze and use education data. It expands the amount of information on students including enrollment, demographics, teacher information, program participation, test records, postsecondary successes, postsecondary remedial sources, and others. There is also a required alignment between P-12 and postsecondary data systems. These linkages require sharing across different components of the education system.

While in support of the bill, important questions remain that must be answered to ensure data privacy and security.

- What legislation approved the implementation of the SLDS and subsequent data collection on Kansas students?
- What has been the total cost and what are the future costs to Kansas?
- What entity oversees this system ensuring data privacy and security?
- Who are the recipients of data from this system?
- Who or what agencies received funding as a result of use of information from this system?
- Who or what agencies have access to the system?
- Who approves the recipients or entities to have access to information?
- What do recipients or users of information use the information for?

- What, specifically, are the workforce entities, researches and agencies that have access or receive information?
- And, most importantly, how were parents and students 18 years of age and older explicitly informed of the collection and use of individual student information?
- How have parents and students 18 years of age and older afforded the opportunity to protect their privacy by not participating in the SLDS?
- How have parents and students 18 years of age and older provided the means to ensure the security of any data they permit to be collected and used?

The personally identifiable information of students is the intellectual property of said students. Parents and students 18 years of age and older are the owners of said property.

The United States Supreme Court declared “The child is not the mere creature of the state; those who nurture him and direct his destiny have the right and high duty to recognize and prepare him for additional obligations.” -- *Pierce v. Society of Sisters* [268 U.S. 510 (1925)].

Parents have the right to full transparency, discretion and approval concerning all types of data that is collected. Institutions and agencies must, therefore, acquire the explicit permission of parents and students 18 years of age and older for said students to participate in any and all curriculums, programs, applications and processes to collect and disseminate personally identifiable information.

Respectfully submitted,

Lisa Huesers