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Student Data Privacy: Lessons Learned and Federal Implications

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Just Released Today!

34 states have passed a new student data privacy law since 2013.
Federal Bills (and a Law)

• There were 8 student data privacy bills introduced in Congress in 2015 (7 pending)
  ▪ Bills Primarily Regulating Educational Agencies and Institutions
  ▪ Bills Regulating Third Parties

• ESSA amendments
Lesson 1

37 State Boards of Education Have At Least Some Authority Over Education
Data Privacy

- Dark green: SBE has significant legal authority.
- Light green: SBE has some legal authority.

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Lessons 4, 5, and 6

- States have done a lot of work on privacy already; Congress should learn from state successes and also from unintended problems that have occurred

- Accidental Consequences
Lesson 7: Training

- Anyone who handles data should know how to protect that data.
- Policymakers must ensure that each state has training laws and policies and identify resources to make training feasible.

Human error is a factor in 95% of data security incidents.
What’s Next?

• 7 federal bills are still pending
• 84 student data privacy bills were introduced in 28 states in 2016
• Most of the 34 states that passed a student privacy law over the past 3 years are still working on implementation
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