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STATE OF HAWAII  
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**Date:** 03/16/2015  
**Time:** 01:15 PM  
**Location:** 229  
**Committee:** Senate Education

**Department:** Education  
**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education  
**Title of Bill:** HB 0613, HD1 RELATING TO STUDENT DATA MANAGEMENT.  
**Purpose of Bill:** Limits and controls the ways in which a computer service provider working with the DOE can use student data. (HB613 HD1)

**Department's Position:**

The Hawaii Department of Education is deeply concerned about protecting student information, and is gratified to learn of the recent push to augment student privacy protections. However, the Department does not support the bill as written because it is duplicates elements of federal law and may fail to account for future elements of federal law.

The proposed bill identifies "computer service providers" that may work for or on behalf of HIDOE, and limits how those providers may use student data. Currently, student data visible to "computer service providers" are covered by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and are already subject to all of the protections of this law.

Specifically, §§ 99.31(a)(1) and §§ 99.31(a)(2) prevent unilateral re-disclosure on the part of computer service providers, and give HIDOE control over how contractors may use data:

*(a)(1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.*

*(2) The officers, employees, and agents of a party that receives information under paragraph (a)(1) of this section may use the information, but only for the purposes for which the disclosure was made.*

The language above makes clear that third party vendors can only use student data at the direction of HIDOE, which is never able or willing to authorize the commercialization or misuse of those data. Given these existing protections, HIDOE believes that H.B. No. 0613 is unnecessary.

Additionally, the Department has also learned that bipartisan federal legislation to augment student data privacy laws may be introduced in the coming weeks. \* The Department recommends waiting for the outcome of the federal legislative process to ensure that our state law does not conflict with future versions of federal privacy law.



## HAWAII STATE PTSA

*every child. one voice.*

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**LATE**

March 16, 2015

Senator Michelle Kidani  
Chair SenateHouse Committee on Education – Hawaii State Capitol

RE: HB613, HD1 - RELATING TO STUDENT DATA MANAGEMENT

Dear Chair Kidani, Vice Chair Harimoto, and Members of the Committee,

The Hawaii State PTSA **strongly supports HB613** relating to student data management which limits and controls the waHys in which a computer service provider working with the DOE can use student data.

Technology has advanced and transformed learning for all students. For example, online forums help teachers share lesson plans; social media help students collaborate across classrooms; and web-based applications assist teachers in customizing the learning experience for each student to achieve greater learning outcomes. However, the information sharing, web-hosting, and telecommunication innovations that have enabled these new education technologies raise questions about how best to protect student privacy during use. HB613 will assist with these questions by protecting the rights and privacy of students while continuing to advance education through technology.

The Hawaii State PTSA offers the following suggestion:

Page 2, line 20: "Student data"

We recommend expanding on the definition of "Student data" and increasing the number of examples provided. Below is an example from student data privacy bill adopted in California SB1177.

Is gathered by an operator through the operation of a site, service, or application described in subdivision (a) and is descriptive of a student or otherwise identifies a student, including, but not limited to, information in the student's educational record or email, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

HI State PTSA also urges the DOE to consider the U.S. Department of Education's Privacy Technical Assistance Center (PTAC) when reviewing the policies necessary to exact this bill.

The Hawaii Congress of Parents, Teachers, and Students, also known as the Hawaii State PTSA, is a registered 501(c)(3) non-profit organization made up of more than 22,000 volunteers dedicated to improving the lives of Hawaii's keiki. Chartered in 1926, the Hawaii State PTSA is Hawaii's oldest and largest child advocacy organization. We are a state charter of the National PTA, made up of local units throughout the State of Hawaii.

Should you have any questions or need additional information, please feel free to contact our office. We look forward to your continued participation.

Thank you for considering our testimony,

Liz Sager  
President  
(Original signatures are on file)

Jessica Wong-Sumida  
VP-Legislation