

July 15, 2015

The Honorable Richard Blumenthal
724 Hart Office Building
Washington, DC 20512

The Honorable Steve Daines
320 Hart Office Building
Washington, DC 20512

Re: Endorsement of the Safeguarding American Families from Exposure by Keeping Information and Data Secure Act (SAFE KIDS Act)

Dear Senators Blumenthal and Daines:

The undersigned education and parent associations write today to endorse the Safeguarding American Families from Exposure by Keeping Information and Data Secure Act (SAFE KIDS Act) that you plan to introduce shortly. We appreciate the opportunity that you have provided in reviewing draft legislation and believe that the final bill strikes a good balance between protecting student privacy and promoting personalized learning informed by data and powered by educational technology. We look forward to continuing to work with you as this legislation progresses.

Our organizations believe deeply in the ability of data and technology to improve student engagement and achievement by personalizing learning, to enhance parent involvement in their children's education, and to augment the skills and knowledge of educators. For these reasons, many of our organizations have supported efforts to modernize and expand the E-Rate program, which supports broadband and Wi-Fi in our nation's schools and libraries, and to provide federal support for educational technology by re-establishing a separate program within the Elementary and Secondary Education Act. We believe further, though, that absent adequate student data privacy rules, the core values of personalized learning will be undermined.

From our perspective, the SAFE KIDS Act would provide appropriate and much needed student data protections without discouraging school service operators (including state or locally operated virtual schools) from creating digital educational products that improve teaching and learning. We support the bill's central goal of curbing the inappropriate use of student data by school service operators and its specific prohibitions on their selling student data or using it for targeted advertising or building student profiles. We also appreciate that the bill balances these restrictions on operators with provisions that encourage them to continue developing valuable digital tools, courses and assessments. Specifically, the bill would preserve the ability of school service operators to use student data for "adaptive and personalized student learning purposes" and for "maintaining, developing, supporting, improving or diagnosing" their products.

We are also pleased that the final version of this bill would not place an undue burden on schools to administer some of its provisions. In particular, the bill does not make schools responsible for notifying parents of any contractual or privacy policy changes but ensures that operators have clearly disclosed privacy policies and security measures in place. Additionally, we support the bill's recognition of the

importance of research, with one provision expressly allowing operators to use de-identified and aggregated student data for research and development.

While we continue to struggle with the implications of the bill's extension of Federal Trade Commission enforcement power over all non-profits that fall within its definition of school service operator, within which some of our organizations (or their affiliates) would or could fall in the future, we respect your intentions in this area.

We look forward to continuing to work with you following this bill's introduction to fine-tune the non-profit and other provisions within it to ensure that the final legislation provides the appropriate protections for students and families but does not discourage innovation and personalized learning that benefits students.

Sincerely,

AASA, The School Superintendents
American Federation of School Administrators
American Federation of Teachers
Association of Educational Service Agencies
Association of School Business Officials
International Society for Technology in Education
National Association of Secondary School Principals
National Education Association
National PTA
National Rural Education Advocacy Coalition
National Rural Education Association
State Educational Technology Directors Association