



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**

Serving Educational Leaders, Inspiring Student Success

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Testimony before the
House Committee of Education

on

HB 2588 - Requiring encryption of student data

by

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Chair Highland, Members of the Committee:

As many of you know, our members vote annually on our KASB legislative priorities and positions upon which we base our testimony. One of our present legislative policies indicates:

KASB believes that whenever costs are incurred by local school districts that can be attributed to actions of any agency acting under state authority, those costs should be reimbursed to the school district by the State of Kansas. New curriculum and program requirements should not be imposed unless the change has received an independent cost study and additional funding is provided by the state or the change is endorsed by KASB.

Let me make it abundantly clear our members believe strongly in protecting the integrity of the data they collect on their students as they go about the daily work of keeping them safe, instructing them, and collecting data sufficient to meet the district's own needs as well as to provide it to other agencies as a result of relevant law or mandates from the Federal Government (Departments of Education, Children and Families, and Agriculture, among others), Kansas Department of Education, and the Kansas Legislature.

However, **HB 2588**, which amends the Student Data Privacy Act, puts our members in the Catch-22 they face more and more often...do more with less.

The bill mandates school districts adopt policies that are very prescriptive about employee responsibilities and the training necessary to enforce those expectations. Our districts are already locking down student data within the district for access only to staff members with legitimate educational interests in the specific subset of data required in accordance with FERPA, the Kansas Student Data Privacy Act, and best practices recommended by their own technology staff. However, determining which staff member would need access to each category of data in the context of providing educational services in each and

every circumstance will be difficult to anticipate and put into policy. Districts need the flexibility to troubleshoot and provide limited access to their staff members on an as needed basis.

The bill also mandates, in Section 2, Subsection (b) that , “Student data that is electronically stored or maintained by any educational agency, submitted to and maintained by a statewide longitudinal student data system and any electronic disclosures or transfers of student data shall be encrypted.”

While we would anticipate that many of our districts’ data storage and email systems already have the capacity to switch to full encryption, we urge the Committee to give us more time to reach out to our members and see what type of impact a change of this magnitude would have and at what cost before moving forward. There is some confusion amongst our members with regard to the level of encryption which would be required for compliance, also. When the bill requires all electronic disclosures and transfers to be encrypted, it would seem to mean that even emails from a teacher to a student’s parent or from staff member to staff member would need to be encrypted. Would this mean that simply sending this data from a Google email account which purports to be encrypted would be sufficient, or will additional steps be needed for each email that discusses student information in the provision of educational services? If the latter is true, the process of encrypting each and every email containing student data would add a tremendous amount of staff time and expense to conducting day-to-day district activities.

KASB has consistently offered [research](#) that shows state expenditures have increased but in the same time period, district operating funds, compared to inflation, are shrinking. This bill only exacerbates an already growing problem, especially if it will require districts obtaining new data storage systems and email service providers to comply. District staffing is also likely to be affected.

By testifying as neutral, we are offering support for the goal of protecting data, but we are asking your support in allowing our members the time to investigate the both intended and unintended consequences of a bill of this potential breath.

I will be happy to answer questions at the appropriate time.

Thank you for this opportunity for input.