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NEVADA

March 23, 2015

Nevada Assembly
Legislative Building
Assembly Education Committee, Room 4114
401 S. Carson St., Carson City, NV 89701

RE: AB221

Dear Chair Woodbury, V-Chair Stewart, Members: Armstrong, Dooling, Edwards, Gardner, Hickey, Shelton, Anderson, Diaz, Flores, Joiner, Munford, and Swank,

By way of introduction, ParentalRights.org/NEVADA is a group dedicated to preserving the right of parents to make decisions for their children. We are writing today with regards to AB221, scheduled to be heard in the Assembly Education Committee on Monday, March 23, 2015.

Parentalrights.org/NEVADA opposes AB 221 as written for several reasons, all of which underscore the fact that this bill will *not* protect pupils and their families. AB221 does not acknowledge the privacy rights of students nor does it restore control and protection of student data back to the pupil and his or her parents or guardians.

Two bills – AB221 and SB228 - are being discussed this session as solutions to student data privacy concerns, but in reality they are not the same. While AB221 focuses on protecting student data from unauthorized use and illuminates what data is collected and used for, it does nothing to address the enumerated points below, failing to limit government use and release of data for purposes other than the education of the child.

1. AB221 relies on FERPA for privacy protection. It is precisely the changes to FERPA in both 2008 and 2011 that allow a broader collection and sharing of data that require the state of Nevada to now address student privacy. FERPA is no longer effective in providing protection due to recent changes and as such, requires Nevada to define privacy laws to protect our children's data.
2. AB221 allows sharing of data beyond the local school and district, including directory information and personally identifiable information. We believe student data should be collected, managed, stored, and maintained at the local level and should not be released or shared beyond school officials of the local school or district without written consent of the parent or legal guardian, or pupil if 18 years of age. Student information should never go beyond the local level without affirmative, informed parental/guardian consent with the exception of aggregate student data needed for funding purposes by the state.
3. AB221 does not address or acknowledge that the parent/guardian of a pupil owns and controls both the data and/or the release of data until a pupil reaches 18, at which time the pupil owns their data. This leaves an ambiguous void and allows room for privacy intrusion.

4. AB221 does not limit or restrict the type of data that may be collected. While it requires the data elements to be published, there are no limitations on what type of data may be included. Data collection should be restricted to purposes that facilitate the function of education.

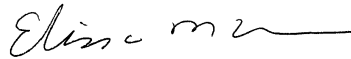
While we appreciate the introduction of AB221, and its intent to protect data and privacy, the bill, in its entirety, falls short in addressing the root causes for data privacy concerns. If AB221 could be amended to comply with SB228, sponsored by Senator Gustavson, we would be in support of AB221, providing real protection for pupils and families.

AB221 is a non-partisan issue – we should all take the privacy and protection of Nevada children’s data seriously. We appreciate the opportunity to present our concerns and are willing to help with amending language as needed to address concerns. Please feel free to contact any of the ParentalRights.org/NEVADA Legislative Liaisons should you have further questions. Thank you for your consideration in this matter.

Sincerely,



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***To be read into the record by Kelley Millard Radow, Barbara Dragon or Elissa Wahl**