

SB228

Restore Privacy and Safety of Personally Identifiable Information of Children

WHY DO WE NEED SB228? From 1974 to present, our children's data has been protected under the Federal Education Rights and Privacy Act (FERPA). However, in 2008 under President Bush, and 2011 under President Obama, significant changes were made to FERPA that significantly downgraded the protection it provided. These changes allowed more unprotected access to sensitive, personally identifiable data by outside, non-educational agencies; longitudinal sharing of data between districts, states and higher education; and collection of non-educational related data. Although many organizations, including ACLU, American Association of Collegiate Registrars and Admissions Officers, Homeschool Legal Defense Association, and World Privacy Forum disagreed with the FERPA changes and brought their concerns to the U.S. Department of Education, these concerns were ignored and the changes implemented.

In addition, FERPA law applies to schools that receive funds from the U.S. Department of Education, leaving many schools who do not receive funds with little guidance on pupil information privacy protection.

SB228 is necessary at the state level to shore up the diminished protection offered by FERPA, and adequately protect the privacy of all Nevada pupils.

DOES SB228 PROTECT THE PRIVACY OF STUDENTS? Yes. By keeping Personally Identifiable Information (PII) and information contained in a student record at the local level, SB228 protects private pupil data from being inappropriately shared with other state or federal agencies, corporations, or educational suppliers. Data is maintained at the local level and only upon the informed, affirmative consent of the parent/guardian, can it be released.

DOES SB228 RESTRICT THE SCHOOL FROM DOING ITS JOB? No. For educational purposes, Personally Identifiable Information (PII) can still be collected, used, and shared at the local school and district level without parental consent to meet educational interests of the pupil. This allows those closest to the student access to personal information to best meet the learning needs of an individual student. SB228 allows aggregate data and information to be shared at the state level for funding purposes and fiscal accountability.

In addition, parental permission is already needed to print children's names/photos for yearbooks, sports events, etc., so no changes are made in regards to reporting on local school events.

WILL SB228 NEED TO BE CHANGED EVERY YEAR TO COMPLY WITH FERPA? No. SB228 is in compliance with FERPA, and because SB228 is more protective than FERPA, there is no need to revisit data protection measures every year.



**Nevada can lead the nation in protecting children and personal data.
Nevada can establish nationwide best practices by passing SB228.**

SB228

1. gives control/ownership of data to the pupil or the parent/guardian
2. limits the type of data collected to a “moral, academic purpose” in accordance with the NV Constitution
3. allows sharing of PII data at the local school and district office level only
4. allows the sharing of aggregate data at the state level
5. addresses shortcoming now in FERPA by writing privacy rights protection into NV law

AB221

1. leaves control of data with the entire publicly funded school system
2. does not limit the type of data collected but simply requires data elements collected to be published
3. allows sharing of PII data to “third-party service providers, groups, organizations or agencies” violating the privacy rights of pupils
4. allows contractual release of PII data except for commercial use violating the privacy rights of pupils
5. still relies on degraded FERPA protections
6. no parental control or consent included in bill

