

News & Notes

In most state legislatures, legislation was introduced in early 2015 on student data privacy. This wave produced 175 bills, and 10 became law in four states (Arkansas, North Dakota, Utah, and Virginia). The best of them balance the need to protect students with the need to use education data to improve instruction, according to a NASBE *Policy Update* by Amelia Vance:

http://www.nasbe.org/wp-content/uploads/Regulating-Student-Data-Privacy_April-2015.pdf

The federal government is also weighing in. In January 2015, President Obama advocated a new federal law that better protects student data. One bipartisan bill had been introduced at press time, though the discussion draft of a second was released mid-April. The former, introduced by Representatives Polis (D-CO) and Messer (R-IN), would give the Federal Trade Commission greater authority to regulate education service providers like Microsoft, Pearson, Google, and Khan Academy. The discussion draft, released by Representatives Kline (R-MN) and Scott (D-VA), would rewrite the main federal education data privacy law, the Family Educational Rights and Privacy Act (FERPA), and thereby update the 1974 law for the digital age. The bill directs the US Department of Education to regulate those providers. Both bills have provisions that risk undermining

the important balance between protecting students' data and leveraging technology to help students succeed.

Senators Alexander (R-TN) and Murray (D-WA) succeeded in their quest to draft bipartisan legislation reauthorizing the Elementary and Secondary Education Act. Their draft, approved unanimously by the Senate Health, Education, Labor and Pensions (HELP) Committee on April 16, gives states significant new authority, including greater leadership over accountability, assessment, and intervention, along with certainty about the policy landscape over the next four years. During committee consideration, the panel approved nearly 30 amendments, including language on early learning, reducing assessments, and building education and leader capacity. While it is not clear at press time what the bill's prospects are in a floor vote, or whether any legislation will survive negotiations with the House, it appears clear that the requirement for annual testing and reporting results by subgroups will remain in the bill. It also appears there are not the votes to add a provision for Title I funding to follow low-income students to other schools. We expect the full Senate to consider the bill as early as the week of May 18, but Senate leaders are also considering a mid-June debate.

In a report released this spring, NASBE's Study Group on Student Engagement argued that other investments states make

in education are likely to be wasted unless they also take on the challenge of students' lack of engagement in the classroom. The report, *A State of Engagement*, urges state boards of education to review policies in five areas: measurement strategies, educator preparation, school climate guidelines, personalized learning, and collaboration with community leaders.

Under the Federal Communication Commission's E-Rate Modernization order, adopted in July 2014, at least \$1 billion annually will be directed to qualifying schools and libraries to increase Wi-Fi and broadband connectivity. Three out of five US schools lack Wi-Fi wiring, and at least half of all schools cannot carry data at broadband speeds. A recent FCC report finds that a significant digital divide remains between rural and urban areas, with more than half of all rural Americans lacking access to 25 Mbps/3 Mbps service. Under the FCC program, schools and school districts decide what services they want and conduct competitive bidding. A district pays a percentage of the purchase price, based on the percentage of its students who live in poverty. Each state has an e-rate coordinator responsible for helping schools with the application process. The FCC estimates that more than 10 million students could benefit from the program nationwide over the next five years, particularly in rural areas, though not every state benefits equally (see map).

Projected Increase in Students Benefiting from E-Rate Modernization (percent)

Source: Federal Communications Commission, July 2014.

