



Senator Steve Huffman
5th District
Senate Education Committee
February 14, 2023
Senate Bill 29

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram, and fellow members of the Senate Education Committee, I am grateful to provide sponsor testimony today on Senate Bill 29.

Senate Bill 29 moves to prohibit schools and technology providers from tracking student activity from school-issued devices. In addition, technology providers will be unable to use educational data for any marketing or advertising to a student.

In context of this bill, "student activity" pertains to tracking through, GPS; an audio or visual receiving, transmitting, or recording feature of a school-issued device; or any student interactions with a school-issued device, such as, keystrokes and web-browsing activity.

During the pandemic, millions of American students moved to remote learning. As a result, schools swiftly disseminated devices to their students in order to maintain a quality of education during this difficult period. According to the Center of Democracy and Technology, "86% of teachers reported that, during the pandemic, schools provided tablets, laptops, or Chromebooks to students at twice the rate (43%) prior to the pandemic¹."

With this rapid expansion of school-issued devices, school districts across our state and nation began to install surveillance software to watch online interaction in an attempt to keep students on track with their studies. However, these surveillance programs advertise that teachers and administrators have access to remote control of these devices, even after school has ended for the day. This means that they can take control of a student's keyboard, or even access their cameras without the student knowing.

¹ <https://cdt.org/wp-content/uploads/2021/09/Online-and-Observed-Student-Privacy-Implications-of-School-Issued-Devices-and-Student-Activity-Monitoring-Software.pdf>

It is important to note that while Senate Bill 29 prohibits such surveillance of student activity once these devices are taken home, school districts still preserve the right to block activity through the use of a firewall. A firewall is a network security device that monitors incoming and outgoing network traffic and decides whether to allow or block specific traffic based on a defined set of security rules.² Additionally, some exemptions of this legislation include, when a device is missing or stolen; when surveillance is necessary to respond to an imminent threat to life or safety; or when activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring. In these circumstances, schools must notify the student, or their parent, with a written description of the interaction within seventy-two hours of the instance.

Lastly, this bill moves to prevent technology providers from using educational data for any commercial purpose, including but not limited to, marketing or advertising. Often, tech providers collect a student's data that can include personally identifiable information, and from there, that data can be used for advertisers to direct certain products to the user.

Everyone deserves the right to privacy and students are no different. Our children need privacy to express themselves, and it should be left to parents, not tech companies, to monitor our children's online presence. Thank you for the opportunity to present testimony to you today, I am happy to answer any questions you may have.

² <https://www.cisco.com/c/en/us/products/security/firewalls/what-is-a-firewall.html>