

SAM Delegate Assembly

The SAM (School Administrators of Montana) Delegate Assembly is where representatives/officers of each of the SAM affiliates come together to review recent legislation that was passed and failed as well as look forward to the interim and 67th state legislative session to set priorities and various issues to continue advocating for. I will have the opportunity to participate in the assembly next month in Helena. Representing the META affiliate will be advocating for technology funding, cyber security and student data privacy. However having a seat at the table also means having input into other priorities that SAM will be advocating for. At this time I am aware of teacher recruitment and retention, keeping public money public and funding for pre-Kindergarten programs. I would welcome input for other positions that would be beneficial to advocate for at the state level and bring Browning's voice to the table.

Student Privacy

With the conclusion of the 66th Montana State Legislative session, many bills have become law with the stroke of the governor's pen. One of the new laws affecting the technology resources in all districts across the state is HB 745, the Montana Pupil Online Personal Information Protection Act. The stated bill header language states it will protect pupils from marketing aided by disclosure of their personal information gathered in relation to certain online educational opportunities and provide that school districts enter into contracts with certain requirements in the contract language with various app makers and educational providers.

Montana has been at the forefront of maintaining student privacy with state law provisions stronger than FERPA. HB 745 codifies these protections of student data in the electronic realm into state law. Unlike some laws with effective dates in the future, HB 745 became effective immediately upon the governor's signature May 7, 2019. While introduction and passage of the law seemed to be last minute, META has already been working on the Terms of Service project including tools to assist districts for the past two years. While the law states that there is no "financial impact" to the state or OPI, the major tool being looked at would join Montana into a nationwide database system that after a recent conference call appears OPI will be supporting the financial portion of the implementation of the database to track these agreements.

While we have always been concerned with student data privacy, the new law will change how we roll out electronic educational resources in the future to be in compliance with the new state law.

What will fall under the law?

Any electronic resource/application that collects or stores student data - at the most basic level, if the resource requires a login, asks for a name or appears to ask for some sort of identifiable information

(even something seemingly harmless as are you a boy or a girl) will fall under the law. This includes resources such as Infinite Campus (agreements with possible slight modifications are already in compliance), and the big players such as Google, Apple and Microsoft. However it will also filter down to the mom and pop app maker whose app may be collecting some type of information. It will also be inclusive of any database where student information is stored outside the district infrastructure such as curriculum resources with textbook vendors, Ellevation for our EL tracking, the MBI database for positive student behaviors for BHS/BMS students, etc.

How will this protect student Personally Identifiable Information (PII)?

Until now, we have relied on the current terms of service and privacy policies as currently stated on the providers web site. However, there are times these terms are not worth the toilet paper they are written on and are changed with little, if any notice. You've most likely seen this with your favorite credit card where you get the new rules and it states if you continue using this card after such and such date, you are bound to the new terms. These resource providers do the same thing and there is potential that the new terms would no longer carry the same protections as their prior terms had carried.

With the backing of state law, resource providers will be required to sign agreements agreeing to our terms for PII and they will be welcome to change their terms, however our agreement will keep them bound to what we originally agreed to when the terms of service agreement contract was signed.

Listening to the testimony and questions brought up by the legislative members, the largest concerns were some of the definitions and if the wording in the law was strong enough and if the penalties were severe enough should a provider break the contract. I think the general consensus was this is a good start and expect some of the language and penalties to be addressed in the 67th legislature.

How will this change what we do in BPS?

Apps made available on iPads and Chromebooks

-In the past (up through May 6, 2019), we quickly reviewed an app request from a teacher/staff member, reviewed their terms of service and privacy policies (yes those multi-page documents of legalese that no one ever reads) and based on what the vendor states online decide to make the resource available or not. This meant that a teacher could request an app in the morning and by that afternoon have it available. If we can quickly verify that the requested app does not collect any data, we will be able to honor this quick turn around for apps requested by teachers.

-Going forward - the aforementioned solution will need to have the step of contacting the solution provider with a terms of service contract for signature before we can deploy the solution to students and teachers. The timeframe burden will be on the provider while they review, run through their legal team,

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etc. as needed before they sign. If they sign, we can then deploy the resource, if they do not sign, we will need to evaluate their reasons for not signing and most likely not make the resource available and search for an alternative resource that can do the same thing for our district. It appears that Montana with META and OPI will be joining Student Data Privacy Consortium (SDPC). There are addendums that vendors can sign in the agreements which will then allow other districts in the state to sign onto a master agreement with the provider by downloading, signing and returning the addendum agreement.

One of our most recent requests from a student was to make Prezi available on the high school iPads. So what steps were quickly taken to determine whether we can make the Prezi app available to students?

1. Check the app to see if a login is required and if basic information would be collected. - YES.
2. Check the SDPC database to see Prezi is listed - YES
3. Check similarly situated school districts to see if they have privacy agreements that they have signed with Prezi - NO. Prezi is unwilling to enter into an agreement with the 34 school districts across the US who have submitted agreements to Prezi for signature.
4. Make app available to student iPads - NO - not until such time as Prezi would sign an agreement with BPS.
5. Our next step will be for BPS to similarly submit an agreement to Prezi. However based on the other districts denials it is unlikely that they will sign an agreement with BPS.

So while the new law is fresh out of the legislature, the good news is much work has already been put into the project with the goal of being as transparent as possible to our district staff knowing there will be some bumps and rolls as districts come into compliance across the state.