



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

September 19, 2017

Hilary Malawer
Assistant General Counsel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue SW, Room 6E231
Washington, DC 20202

Dear Ms. Malawer:

On behalf of the Office of the State Superintendent of Education (OSSE), I write to submit the following comments in response to the US Department of Education's (USED's) request for comments on regulations that may be appropriate for repeal, replacement or modification in accordance with Executive Order 13777, "Enforcing the Regulatory Reform Agenda." We appreciate the opportunity to provide input and inform the Regulatory Reform Task Force's evaluation of existing regulations that have a policy impact.

OSSE is the state education agency (SEA) for the District of Columbia, with the mission of removing barriers and creating pathways for District residents to receive a great education and prepare them for success in college, careers, and life. As an SEA, OSSE has specific responsibilities under the Family Educational Rights and Privacy Act (FERPA). These comments are limited to this area of regulation under consideration for reform.

We have the following two specific comments:

- We support provisions of the December 2011 final rule that clarified the steps states could take to share data to improve student outcomes while protecting sensitive student-level data.
- We continue to support the Privacy and Technical Assistance Center (PTAC).

We support provisions of the December 2011 final rule that clarified the steps states could take to share data to improve student outcomes while protecting sensitive student-level data.

The amended regulations (76 Federal Register 75604) provided clarity for the definitions of "authorized representative" and "education program" under FERPA. This clarity has supported OSSE, in its role as the SEAs, to partner with other state government agencies using data to evaluate and improve services to students throughout the educational pipeline (P-20W+).

In addition, we appreciate how the amended regulations also provided needed definitions around the penalties and process for any violations for written agreements when sharing PII. This clarification allows us as an SEA to compose and uphold written agreements with state agencies which best protects personal identifiable information (PII) and improves services to students.

We continue to support the Privacy and Technical Assistance Center (PTAC).

OSSE considers PTAC a vital resource for SEAs as they execute their responsibilities under FERPA and other pertinent federal laws for ensuring the privacy, security, and confidentiality of education records and other data governance, security and stewardship issues. PTAC provides our agency with thorough guidance on how to build, sustain and improve quality data infrastructure. OSSE regularly takes advantage of PTAC resources to support training and technical assistance for our agency and for key agency staff, both in writing and in person. These resources have been invaluable to us as we continue to strengthen our data governance and privacy practices.

Thank you for your attention to these comments, and please let me know if you have any questions.

Sincerely,

Elizabeth Laird

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