

Sen. Sylvia Allen, Chair  
Appropriations Committee  
1700 W. Washington  
Phoenix, AZ 85007

February 17, 2016

**Re: Opposition to SB 1389 – Student, Teacher Data Collection; Prohibitions**

Dear Sen. Allen:

While well intentioned, we ask you to oppose SB 1389 as it contains approaches that will harm the ability of schools to create yearbooks and students to find scholarships.

Bills related to student privacy require a surgical approach. Unfortunately, SB 1389 takes large swings in an attempt to address student privacy– resulting in unintended consequences.

Take for example SB 1389’s provision requiring express parental consent before sharing a student’s personal information. While well intentioned, and reasonable on a superficial level, for Arizona schools it means a limited ability to identify students of the month, publish track meet results in local newspapers, show names on score boards, or even publish school yearbooks.

Louisiana already sent its schools reeling when it passed a requirement similar to those in SB 1389 – LA HB 946 (2014). The Louisiana Superintendent of West Baton Rouge parish schools asked "How are you going to have a yearbook?" and said "It's ridiculous. Everybody is kind of on edge."<sup>1</sup> Moreover, he worried that "if a parent doesn't send that letter back, or doesn't give us permission, then their child could lose out on opportunities for financial aid." Some Louisiana teachers had to spend their time, not preparing for classes or teaching students, but going to parents’ doors to ask for signatures.

But there are other unintended consequences of SB 1389 stemming from the prohibited “discrimination” against any student whose parents do not provide written consent for collection. On it’s face this makes sense – a goal to avoid coercion. But in practice what it means is that *one* parent can veto services for *every* student in the school. Consider the situation where the school wants to nominate a student for a scholarship – would it be allowed to do so if it meant “discriminating” against students who did not have consent to sharing?

There are many more unintended consequences if you pass SB 1389.

To avoid impeding the ability of schools to celebrate students in local papers or make it harder for students to earn scholarships, we ask you to oppose SB 1389.

We thank you for considering our views and welcome any questions you may have.

Sincerely,



Carl Szabo  
Policy Counsel  
NetChoice



Jim Halpert  
General Counsel  
State Privacy and Security  
Coalition



John Doherty  
VP and General Counsel  
TechNet

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<sup>1</sup> State Scoop, *Louisiana schools struggle with strict privacy law*, available at <http://statescoop.com/louisiana-schools-struggle-with-strict-privacy-law/>