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## TESTIMONY

**Testimony to:** Senate Committee on Education

**Respectfully Submitted by:** The Vermont Agency of Education

**Subject:** H.650 — an act relating to educational technology products

**Date:** April 14, 2026

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Thank you for the opportunity to provide testimony on H.650. The Agency of Education shares the goals at the heart of this bill: protecting student data privacy and ensuring that the educational technology used in Vermont schools is high quality and well chosen. The Agency appreciates the House's movement toward a study-and-report structure in the version that has come to the Senate.

H.650 reaches toward two distinct goals: student data privacy and educational technology effectiveness. Combining them into a single mechanism serves neither well. These goals require different solutions, and Vermont is well-positioned to act on both. The Agency proposes a two-track approach: enact the privacy track now, where the infrastructure already exists and needs only to be made universal, and redirect the bill's report requirement to study curriculum coordination related to the effectiveness of education technology.

### Two distinct goals, two distinct solutions

Data privacy is a legal and contractual matter with established standards and compliance frameworks. Educational technology effectiveness is a question of curriculum coordination, instructional context, and implementation quality. Each deserves a serious response. Neither is well served by a single certification mechanism that treats them as the same problem.

### Track One: Student data privacy

Vermont has built a robust, cost-effective student data privacy infrastructure since 2018, anchored by the Vermont Student Data Privacy Alliance (VT SDPA) and the National Data Privacy Agreement (NDPA). The Agency funds VT SDPA membership for all Vermont school districts at no cost to districts. Vermont schools currently have active data privacy agreements covering 923 unique educational technology products, representing 2,438 individual district-vendor agreements across 44 supervisory unions and districts. Through participation in the national Student Data Privacy Consortium and with the partnership of The Education Collaborative (TEC), Vermont



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benefits from legal expertise and vendor leverage that no state-specific certification system could replicate.

The infrastructure works. The gap is that participation is not yet universal, and not every district has the legal and administrative capacity to manage data privacy agreements well. The most effective steps the legislature can take on student data privacy are to close those two gaps directly:

- **Require all Vermont supervisory unions and districts to participate in the Vermont Student Data Privacy Alliance and to use the National Data Privacy Agreement process for educational technology vendors.** This makes universal what is already funded and already working.
- **Fund the Agency of Education to procure and provide statewide DPA implementation support for all districts.** A useful funding benchmark is approximately \$1 per student, which is sufficient to cover current costs for the entire state through an established multi-state collaborative. The legislation should fund the function rather than name a specific vendor, allowing the Agency to procure through standard processes.

Together, these two steps would give Vermont universal data privacy coverage through proven infrastructure used by 35 states, at modest cost, without building any new state mechanism. This is the strongest action the legislature can take to act on the privacy concerns motivating H.650.

## **Track Two: Educational technology effectiveness as curriculum coordination**

The effectiveness of educational technology cannot be evaluated in the abstract. How a tool is integrated into instruction, how teachers scaffold its use, how it aligns with curriculum, and how it serves diverse learners is integral to whether it is effective. Poor implementation of a good tool produces poor results. This is why a state certification mechanism focused on product attributes is the wrong instrument: it would create the appearance of quality assurance while doing little to support the implementation work where outcomes are determined.

The right framing is curriculum coordination. Educational technology should be selected and used as part of a coherent instructional program, the same way the Agency is approaching high-quality instructional materials (HQIM). In this framing, the state's role is to give districts visibility into what their peers are using, support shared professional learning, and over time build evidence about what is working in Vermont classrooms. Decisions remain with districts within the context of state



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standards, but the information available to support those decisions becomes meaningfully better.

### **What the Agency already does, and will commit to expanding**

The Agency already collects data on educational technology in use across Vermont schools through two annual surveys: a technology survey sent to district technology leaders, and a K–3 survey that captures literacy and math screeners with strong response rates. The Agency also plans to add questions on AI platforms used with students to this year’s survey cycle.

Building on this existing foundation, the Agency proposes to expand and improve these surveys with a focus on curriculum coordination in the areas most consequential for student outcomes:

- **Local Comprehensive Assessment Systems (LCAS), including literacy and math screeners.** These questions will be redesigned and routed to district curriculum coordinators rather than IT leaders, who are not the appropriate respondents for instructional questions.
- **Computer-adaptive learning platforms used in mathematics and English language arts.** Math and ELA are the priority subjects for improving student outcomes, and this aligns with the Agency’s HQIM strategy.
- **AI platforms used by students.** This is an emerging area where state-level visibility supports the implementation of Vermont’s AI Guidance for Education.

The Agency will publish annual results in a form that districts can use for peer comparison, professional learning coordination, and curriculum decision-making. The Agency is comfortable having this annual survey-and-reporting commitment reflected in legislation.



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## Recommended changes to the bill

The Agency recommends the Senate restructure H.650 to reflect the two-track approach:

- **Privacy track (enact now).** Replace the registration and attestation provisions of Sec. 1 with a statutory requirement that all Vermont supervisory unions and districts participate in the Vermont Student Data Privacy Alliance and use the NDPA process for educational technology vendors. Fund the Agency to procure and provide statewide DPA implementation support, using approximately \$1 per student as a benchmark.
- **Coordination track (study and report).** Preserve the reporting requirement and the November 15, 2027 deadline in Sec. 2, but redirect the substance away from product certification and toward curriculum coordination. Direct the Agency to report on (1) the results of expanded annual surveys covering LCAS, math and ELA computer-adaptive learning, and AI platforms with student use; (2) the Agency's exploration of a more comprehensive coordination platform, including cost and feasibility considerations; and (3) recommendations for further legislative action.

The certification criteria currently listed in Sec. 2(a)(5) should not be carried forward. They mix data privacy concerns (which the privacy track addresses through proven infrastructure) with product-attribute questions that are difficult to gather, difficult to keep current, and of limited value for understanding whether a tool serves students well in a Vermont classroom.

## Closing

The Agency shares the goals behind H.650 and appreciates the work this committee and the House have done to improve the bill. The two-track approach proposed here would let Vermont act decisively on student data privacy now, through infrastructure that already works, while taking the educational technology effectiveness question seriously as the curriculum coordination challenge it is. The Agency welcomes the opportunity to work with the committee on language to give effect to this approach.

