

## TESTIMONY

**Testimony To:** Senate Committee on Education

**Respectfully Submitted by:** Vermont Agency of Education, Vermont Superintendents Association, Vermont Principals Association, Vermont NEA, and Vermont School Boards Association

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

**Date:** April 30, 2026

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In recognition of the Committee's interest in moving H.650 forward, the Vermont Agency of Education, the Vermont Superintendents Association, the Vermont Principals Association, the Vermont NEA, and the Vermont School Boards Association collaborated to develop alternative language that we believe reflects both the Committee's policy intent and the on-the-ground realities in Vermont schools. The alternative language builds upon best practices already in place to protect student privacy and allows the Agency to work with the field to create more consistency and guardrails around the integration of education technology in the classroom. Based on this collaboration and input from the field, we respectfully submit the following alternative language for your consideration:

### **Sec. 1. Student Data Privacy Infrastructure**

#### **9 V.S.A. Ch. 062, Subchapter 003A: Student Privacy**

#### **§ 9 V.S.A. 2443**

#### **Definitions**

- (a) "National Data Privacy Agreement (NDPA)" means the nationally recognized, standardized agreement used to ensure compliance with federal and state student data privacy laws.
- (b) "Educational technology product" means a software application or online service designed and marketed primarily for use by students in prekindergarten through grade 12 schools for teaching and learning purposes.

#### **§ 9 V.S.A. 2443e**

#### **Applicability**

- (c) This subchapter requires that all supervisory unions, supervisory districts, and school districts in the State shall:
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(1) Participate in a State-supported collaborative that facilitates standardized student data privacy agreements; and

(2) Use the National Data Privacy Agreement process, or its successor, for all contracts with providers of educational technology products that access student data. All other software, applications, or online services that collect, process, or transmit student data require a written contract that ensures compliance with applicable federal and State law.

### **§ 9 V.S.A. 2443g**

#### **Required support and procurement**

(d) The Agency of Education shall procure and provide statewide support for the implementation and administration of data privacy agreements on behalf of supervisory unions and school districts.

(e) The Agency shall ensure that such support includes access to legal review, contract management tools, and vendor agreement coordination through a multi-state or national collaborative.

(f) Nothing in this subsection shall be construed to require the Agency to contract with a specific vendor.

### **Sec. 2. Educational Technology Coordination; Guidance; Report**

#### **9 V.S.A. Ch. 062, Subchapter 003B: Educational Technology**

#### **§ 9 V.S.A. 2444**

#### **Guidance on effective use of educational technology**

(g) The Agency of Education, in collaboration with the Vermont Superintendents Association, Vermont Curriculum Leaders Association, Vermont Council of Special Educators, and the Vermont-NEA, shall develop and publish guidance for supervisory unions and school districts regarding the selection, implementation, and evaluation of educational technology products.

(h) This guidance shall:

(1) Reflect best practices and available research;

(2) Support alignment with Vermont's Education Quality Standards;

(3) Include considerations for:

(A) whether an educational technology product would be the best method of accomplishing educational goals

(B) instructional effectiveness and student outcomes;

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- (C) accessibility and inclusion, including special education needs;
- (D) alignment with curriculum and local comprehensive assessment systems;
- (E) responsible use of emerging technologies, including artificial intelligence; and
- (F) implementation quality, including professional learning and instructional integration;

(4) Preserve local decision-making authority regarding the selection and use of educational technology.

**§ 9 V.S.A. 2444(a)**  
**Report**

(i) On or before November 15, 2027, the Agency of Education shall report to the House and Senate Committees on Education regarding:

- (1) Implementation of the statewide student data privacy system;
  - (2) Publish annual reports summarizing statewide trends and providing districts with comparative data to support decision-making and professional learning; and
  - (3) Recommendations for any further legislative action.
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