



EMPIRE STATE SUPERVISORS AND ADMINISTRATORS ASSOCIATION

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May 1, 2019

New York State Department of Education
regcomments@nysed.gov

Re: *Personally Identifiable Information for Students and School Personnel/N.Y. St. Reg. EDU-05-19-00008-P*

Dear Sirs/Madams:

We want to thank the State Education Department for the opportunity to provide our perspective on the outlined proposed regulatory changes to increase information security measures and to safeguard the Personal Identifiable Information (PII) of students and certain school personnel. While we agree schools should take all appropriate steps to ensure the security and privacy of protected information, we have significant concerns with the proposed regulations and anticipate that there will be many unintended consequences that will negatively impact our school communities. We urge you to carefully consider the following concerns and make necessary adjustments as you finalize the new regulations.

1. In order to implement the NIST CSF standards, districts will need significant time and additional financial resources. There will be costs associated with personnel and technological infrastructure that must be considered. Any potential rollout should be implemented in a strategic and methodical manner. Rushing to implement new requirements without necessary preparation will undermine the effectiveness of the standards.
2. Individual districts will not have the talent, or resources, to monitor and assess third-party vendor compliance to contractual obligations. This regulatory recommendation is unenforceable and outside of the capability of school districts.
4. The law was passed five (5) years ago with many deadlines being adjusted based on need. It is now time to make adjustments to deadlines on district implementation. We are less than three

months away from the July Board meetings where we are expected to appoint a Data Protection Officer. Yet the job description and primary responsibilities for the role have not been defined. We recommend moving the implementation date out a full year. This understandable adjustment would allow districts time to review and synthesize any approved regulation before mandated implementation.

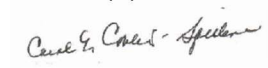
5. We believe that it makes sense for all vendor contracts to be approved by NYSED. Google is correct; they should not have to sign 730 contracts in NYS. This is a challenge that can be easily corrected. Likewise, 730 districts should not have to pay lawyers to write the same contract with each vendor. An adjustment here will save resources and allow districts to continue to engage in good work utilizing the platform of their choice and within which they have invested.

6. Online Terms of Service for free software is a particular concern. There is no way to regulate these vendors and some of the software is very helpful in classroom instruction.

7. The cost of the Data Protection Officer is a hardship to district budgets, complying with this mandate will likely result in a loss of other non-mandated and important services.

We are asking that the State carefully consider our concerns as the work moves forward.

Sincerely yours,

A handwritten signature in cursive script that reads "Carol Conklin-Spillane". The signature is written in black ink on a white background.

Carol Conklin-Spillane, President