Testimony

TO: House Committee on Commerce and Economic Development

FROM: Agency of Education

SUBJECT: H.650 - an act relating to educational technology products

DATE: March 12, 2026

Thank you for the opportunity to provide testimony on H.650. The Agency of Education shares the committee's concern for student safety, data privacy, and the quality of educational technology used in Vermont schools. These are goals the Agency actively works toward every day.

However, the Agency has significant concerns with the bill as drafted. The mechanisms it proposes would duplicate infrastructure Vermont has already built, place authority in agencies without the relevant expertise, and create operational barriers for schools. The Agency welcomes the opportunity to work with the legislature on targeted approaches that achieve the bill's goals through more effective means.

As this committee considers legislation that would fundamentally reshape how educational technology is selected and used in Vermont classrooms, it is important to recognize that teachers and principals are making daily professional judgements about how learning is happening in their classroom. It is the Agency’s responsibility to ensure that district-selected and adopted curriculum and educational technology are aligned with Vermont's Education Quality Standards (EQS) and evidence-based practices. The Agency is now at work on a process to lead the review and vetting process within supervisory unions and districts (SU/SD) based on state standards. Such a partnership promotes a common understanding and appreciation for the role of technology in the instructional process and encourages a collaboration between the state, local educators and local voice.

The district-level testimony this committee has heard reinforces the multi-step processes districts use to vet educational technology, processes in which the feedback and professional judgment of teachers is integral.

At a statewide level, we currently vet technology for safety, security, and privacy through existing infrastructure. The effectiveness of a technology tool cannot be evaluated in the abstract. The way a tool is utilized in classrooms, how it is integrated into instruction, how teachers scaffold its use, and how it serves diverse learners is integral to whether that tool is effective. A state-level

certification that declares a product "certified" or "not certified" without this context provides a false sense of assurance while stripping educators of the professional authority they need to serve their students well.

Vermont's Existing Student Data Privacy Infrastructure

Vermont has not been standing still on student data privacy. Starting in 2018, the state has built a robust, cost-effective system that leverages national collaboration to protect student data, and it is working.

The Vermont Student Data Privacy Alliance (VT SDPA): The Agency of Education funds membership in the Vermont Student Data Privacy Alliance for all Vermont school districts at no cost to districts. This alliance is part of the national Student Data Privacy Consortium (SDPC), a collaborative of 28 state alliances working together to address student data privacy. 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.

The National Data Privacy Agreement (NDPA): Vermont utilizes the National Data Privacy Agreement, a standardized contract developed over years of collaboration among attorneys specializing in education data privacy law, district officials, technology providers, and nonprofit organizations including the Future of Privacy Forum. The NDPA articulates vendor duties and responsibilities for protecting student data in compliance with all applicable federal and state privacy statutes, including FERPA, PPRA, and COPPA.

The Education Collaborative (TEC): Approximately 40 Vermont supervisory unions and districts contract with TEC for expert legal and administrative support in managing their data privacy agreements, at a cost of $1 per student with a maximum of $5,000 per district. TEC provides direct services to seven states — Massachusetts, Maine, New Hampshire, Nebraska, Rhode Island, Vermont, and Virginia — and provides services to six additional states: Illinois, Missouri, New York, Ohio, Tennessee, and Colorado (incoming). This means Vermont is not negotiating with vendors alone through a unique, state-specific system. Instead, Vermont benefits from the robust standards, legal expertise, and negotiating leverage that come through a 14-state collaborative representing thousands of districts nationwide. A Vermont-specific certification system cannot replicate this leverage.

Flexibility for Vermont-Specific Needs: The NDPA structure includes Exhibit G, which allows states to add requirements specific to their laws. If the legislature identifies

specific privacy provisions that are not currently addressed, these can be incorporated into the existing framework without building a parallel system. This is the mechanism designed for exactly this purpose.

This infrastructure already addresses the data privacy concerns at the heart of H.650 — and it does so through a system that is legally rigorous, nationally supported, and affordable for Vermont's small districts.

Policy Concerns

The most recent draft bill still contains significant operational and policy concerns.

Scope and registration burden

The bill defines "educational technology product" as any student-facing software that may collect, process, or transmit student data and is used for teaching and learning. This definition captures an enormous range of tools, from purpose-built assessment platforms to general-purpose software like Google Workspace that schools use for instruction. Jeff Wallace testified that his district alone uses over 110 software tools. Recent revisions tie the registration to existing business filings with the Secretary of State, which eliminates some earlier concerns. However, this raises a different question: many edtech providers may have no existing Vermont business registrations, limiting the bill's ability to reach the providers it intends to capture.

Conflation of data privacy and educational quality

The bill bundles two fundamentally different concerns — data privacy compliance and educational quality evaluation — into a single mechanism. Data privacy is a legal and contractual matter with established standards and compliance frameworks. Educational quality is a professional judgment that depends on instructional context, student needs, and curriculum alignment. Conflating them into one certification process serves neither concern well.

Accessibility and students with disabilities

RCPS Technology Director Patricia Agner's testimony highlighted a critical point: educational technology is not optional for many students. For students with accommodations under IDEA, Section 504, or the ADA, educational technology is a primary means through which they access their education. Assistive technologies, specialized software, and adaptive platforms are not luxuries, they are legal entitlements. A certification bottleneck that delays access to these tools directly harms

the students the bill intends to protect. While Draft 2.1 includes a carve-out stating the bill shall not limit obligations under disability law, the practical effect of a state certification requirement could still impede timely access.

Career and technical education

This committee understands the importance of career readiness. Vermont's CTE programs rely on industry-standard software; CAD software, automotive diagnostic systems, IT and cybersecurity software. These are tools that prepare students to enter the workforce. These vendors serve industry markets and are unlikely to pursue a Vermont-specific educational certification process. If these tools cannot be used without state certification, students may be unable to meet graduation or workforce certification requirements.

Impact on educators' access to tools

Creating a certification system unique to Vermont would make the state an outlier. Vendors serving the national market may deprioritize Vermont or decline to participate, reducing the options available to Vermont schools. The current system's alignment with 28 other state alliances through the SDPC, and 14 states through TEC, ensures Vermont remains an accessible market for educational technology providers. It does this while providing significant leverage with vendors to ensure they comply with strict requirements when delivering educational tools.

What the Agency is building

The Agency of Education recognizes that districts need clear guidance when selecting high-quality instructional materials and educational technology and when navigating emerging technology. We have already begun this work. Act 139 emphasized the need for evidence-based literacy instruction. In response, the AOE reviewed and recommended specific literacy screeners providing clear and specific guidance, identifying which literacy screeners were high quality. The AOE also collects information on both the screeners and curriculum used in every K-3 grade school. In the emerging educational technology domain, the release of Vermont's AI Guidance for Education addressed an emerging technology domain, and we are executing a robust professional learning plan to support its implementation across the state.

School districts are required to use the standards in the State Board of Education approved EQS (Education Quality Standards). The Agency of Education is reviewing curriculum and tools based on their alignment with EQS requirements and evidence-based practices. Providing districts with access to high-quality, research-based curriculum aligned with Vermont's learning outcomes is a high-leverage investment that

can improve math and literacy outcomes statewide. The agency is building a system where decisions continue to rest with individual districts, consistent with Vermont's commitment to local control, but where the guidance the state provides is more specific and robust. There has been a nationwide movement for states to provide clearer guidance, and major organizations like EdReports now offer independent, evidence-based reviews of curriculum platforms. In the educational technology space, Common Sense Media and the International Society for Technology in Education (ISTE) are trusted sources of information.

The AOE will continue to work with districts to select educational technology and instructional resources that are evidence-based, grounded in research on effectiveness, and informed by the implementation experience of peer districts across Vermont. This work builds on the strong student data privacy foundation that already exists through the Vermont Student Data Privacy Alliance, and the TEC partnership. This is the kind of work that addresses the concerns behind H.650.