

Written Testimony.
Education Committee Public Hearing.
March 17, 2015
Regarding Bill #7017 An Act Concerning Student Data Privacy

My name is John Bestor and I have been a school psychologist for over 40 years in a public school setting. I see absolutely no need or purpose in disclosing students' private, personal and confidential data to any agency outside the local school district's record of student performance. To disseminate such private, personal and confidential information beyond those teachers, educators, and parents who need to know because it informs educational planning unnecessarily places the students' privacy at risk and serves no educational purpose. Students fortunate enough to attend private schools will not have their private, personal and confidential data collected, stored, and made available for future dissemination without their express approval. This establishes a double standard where the children of privilege and good fortune are monitored by a different standard than those of children whose families choose to support and enroll them in public schools.

Further compliance with the changes in FERPA regulations or disclosure of private, personal and confidential student information for the purpose of maintaining a statewide longitudinal data system, such as P20 WIN, is unconstitutional and should be challenged in the Courts. There are no protections for children and their parents; no parental notification; no disclosure of just what information is collected; no parental access or oversight as to its accuracy. In today's ever-changing world of electronic technology, students as young as 4 years old should not be saddled for a lifetime with scores on early screening tests that are entered into a private vendor's database; students struggling in adolescent angst should not have test scores indelibly deposited into a private vendor's permanent database; and young adults searching for a career path should not have their mis-steps tallied and available for scrutiny by future employers. There is so much wrong with the student privacy bill that it should simply read:

A STUDENT'S PRIVATE, PERSONAL AND CONFIDENTIAL INFORMATION WILL BE PROTECTED FROM ANY AGENCIES OUTSIDE THE LOCAL SCHOOL DISTRICT AND DISCLOSURE OF SUCH STUDENT INFORMATION WILL BE PROHIBITED BY LAW.

The same should hold true for the privacy of teacher personal and confidential information. It is the responsibility of the local school district that hires a teacher or other educational professional to ensure that they meet all certification requirements, demonstrate professional growth, and adhere to professional contractual obligations agreed to. To collect and store data on teacher effectiveness ratings based on questionably valid student test results is unsound, neither evidence-based nor relevant professional practice. Similar, to the collection of student data, the record of teacher evaluations should be collected and maintained at the local school district level and not placed at risk in a private vendor's database.

I recognize that, as legislators, you struggle with highly complex issues. However, when it comes to protecting the rights to privacy of one's personal and confidential information, it is important that you strive to protect those privacy rights that are constitutionally protected for each person - young and old - as inalienable and a sacred trust with the ideals of our democratic government.

Thank you for your time and consideration.

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