

Connecticut General Assembly
Education Committee

Raised Bill HB 5469: "An Act Concerning Student Data Privacy"

March 2, 2016

Re: HB5469 - Protect our Children's Future with parental notification and informed consent

Dear Education Committee Chairs, Ranking Members and Members of the Committee,

Please take a long hard look at HB5469 before agreeing it is a good place to start to address student data privacy for CT school children and their parents. It is a start but not what we want put into law – it does not go far enough. We, as parents, want more for our kids and hope that you, as legislators, do as well. HB 5469 does not go far enough to protect our children's digital school records and the process used in obtaining information generated by our youngest members of society.

I am not able to be there in person today as I was last year. However, at that time, I stressed the importance of paying attention to the rapid technology shift in our society and how this affects school children's records and their parents. In the past, school records were kept in a file cabinet in the "main office". Imagine a stranger or an educational technology company sales person asking for permission to look into the file cabinets at individuals' records. You can bet the answer would have been "Why?" a resounding "No"! In the past, this would have been an unusual request which would require lots of red tape to fulfill. This company representative would need to mail out permission slips to parents to gain their permission for them to look at their children's school record. Lots of parents would ask why is this necessary??? This long and arduous personal process of gaining access to confidential school records pretty much assured scrutiny, high levels of data security and quality control for children and their guardians or parents.

Fast forward to 2016, where with a mere click of a computer key, made possible by the gutting of FERPA and our digital advances, the school records of every kid in CT can be downloaded to a stranger or a company of strangers in minutes. I ask why is this possible in CT when over 28 other states have said "No, not so fast" strangers?

Many events that have transpired this past year, regarding multiple data breaches, data misuses, releases of student data as a result of court orders, and student data being sold off as part of bankruptcy proceedings to name a few.

The risk of data security is very real. Even MIT, recognizing the lack of digital security, calls this the "Age of the Megabreach". Our own Federal US Education Department has been warned of an "epic sized hacking waiting to happen" to its database. So before we start collecting data, let's involve parents and guardians on the ground floor. Let's put it into law that they need to know more about their children's digital footprint before it's collected.

Parents, students and families must have a more proactive role in the third-party acquisition of personal student data and information. When our children enter school, starting as young as pre-school, families must have a measure of control over the personal data collected on their kids whether it is through the use of online programs and applications, or through staff-entered programs and applications.

Bill 5469 should be strengthened, by requiring Informed Parental Consent in advance of data collection and adding the following caveats about data type, consent, and use:

- 1) Contractors and operators should provide advance notification to parents about the nature of their digital platform, data to be collected and how it will be used. Then they should be required to gain informed parental consent before data collection begins on any student using a web-based system with anonymous or identified student data collection.
- 2) Schools/Districts should provide notification to families and gain informed parental consent when collecting any data that is entered into an online/web-based system about students, and parents should be fully informed regarding how it will be used to modify academic or social learning in advance. School climate data collection, through the use of anonymous surveys, is especially important to safeguard as parents need to know how the personal, behavioral, and uncomfortable questions kids are being asked will be used.
- 3) Results or profiles that will be generated as a result of the collection and analysis of the original data should be disclosed in advance to parents/families.
- 4) Contractors and operators should be required to gain informed parental consent to proceed with profile generation based on analysis of entered data, and which is subsequently stored in a cloud server (i.e. Naviance which generates predictive employment profiles or personality learning profiles such as the "Do What You Are" or "Learning Styles Survey," or PBIS which generates behavior plans).

The need for consent is substantiated through practices already in existence. Federal Law (<http://familypolicy.ed.gov/ppra>) protects children for federally-funded surveys which are personal in nature, through complete disclosure, and a provision requiring parental consent. Institutional Review Boards sets protocols for safe/appropriate surveys of human participants at the university level, but also require informed consent from the participants themselves.

Meeting these goals should be very easy given all the technological innovations that have been made since the time when we were filing away files in file cabinets. Parental notification and Informed consent can be gained and achieved in a very efficient digital manner.

In closing, please take this opportunity to really think of what is being asked for here: Parents want to be informed about what their kids are doing in school when they are on a digital device. Parents are asking that kids be treated as minors who cannot fully understand what their rights are when they sign onto a web based server. Kids do not read user agreements before they sign on to an app and do a math problem that their teacher is asking them to do. We as parents, and you as our legislators, need to "read the user agreement" for them by passing this bill with more conditions that need to be met to protect our kids.

Please strengthen HB5469 by requiring Parental Notification and Informed Parental Consent.

Thank you for your care and attention to this pressing issue.

Respectfully submitted,

Kimberly Norton, PhD

Parent