



*TESTIMONY OF THE
CONNECTICUT PARENT TEACHER ASSOCIATION (PTA)
BEFORE THE LEGISLATURE'S EDUCATION COMMITTEE
WEDNESDAY, MARCH 2ND, 2016*

RE: HB 5469 AN ACT CONCERNING STUDENT DATA PRIVACY

As the largest and oldest volunteer child advocacy association in the state, with over 40,000 members, Connecticut Parent Teacher Association (CT PTA) provides parents and families with a powerful voice to speak on behalf of every child.

CT PTA thanks the Education Committee for taking on the very important task of protecting student data. We do, however have several concerns about what is covered in HB 5469.

CT PTA is concerned that this legislation covers third party contractors only but student data is collected electronically in many other ways and we would like to see legislation that ensures consistent policies for ALL student data regardless of who is collecting it. Parents have the right to know about ALL the data that is collected in their child's record.

CT PTA is also concerned that the definition of student information in Section 2.3 includes such sensitive information as medical records, social security numbers, criminal records and the like. Operators in section 2.c.4 are permitted to disclose this information for such things as to "improve the operability and functionality of the website, online service or mobile application". We cannot see how this very sensitive information should be used for this purpose. We would like to see further limits on the use of this very sensitive personal and family information especially when third party vendors are involved. Educationally sound data use needs to be balanced with student and parental rights.

Students in this legislation are defined as those "enrolled in grades kindergarten to twelve". Student data should cover all of a child's educational career and since many public schools operate preschool programs we would like to see them also covered by this legislation as well as older students who are in special programs.

Additionally, CT PTA believes that student data belongs to the student and by extension to the parents or guardians of minor students. Parental consent should be the first step before any data collection and we see no mention of this in the legislation. We are glad that the contract includes a description of how students, parents or guardians can

review the data and we would like to be sure that parents are informed when the contract is signed or at the beginning of each school as to exactly what those procedures are.

CT PTA also believes that all service provider privacy and security policies should be made available to parents and families and in a clear and easy to read format.

CT PTA understands the need for research and data analysis to improve our students' learning, supports and outcomes and we support the ability of families and students to have reasonable control over that data and an expectation of privacy and security.

About Connecticut PTA

Connecticut PTA comprises over 40,000 members consisting of families, students, teachers, administrators, and business and community leaders devoted to the educational success of children and the promotion of parent involvement in schools and well-being of children. PTA is a registered 501(c) (3) nonprofit association that prides itself on being a powerful voice for all children, a relevant resource for families and communities, and a strong advocate for public education, children's health and child welfare. Membership in PTA is open to anyone who wants to be involved and make a difference for the education, health and welfare of children and youth.

Position Statement - Student Data Privacy and Security

National PTA and the students and families we represent understand the value of collecting student data to support educational outcomes. In a 2015 study, Parental Support for Technology and Data Use in Schools—conducted by the Future of Privacy Forum—parents indicated support for the access to, and use of, student data to improve teaching and learning. Yet parents articulated that there must be a clear justification for the need and benefit to access and use their child's data in educational settings. Despite support for the use of student data, parents are concerned about the privacy and security of their child's personally identifiable information and educational record.

National PTA is deeply committed to the promotion of privacy and security policies that maintain the confidentiality of sensitive data that students and families provide to educational institutions, as well as the data that is collected while using online products and services.

In 1974, the passage of the Family Educational Rights and Privacy Act (FERPA) ushered in a new era in federal educational privacy rights through its application of fair information practices to educational records. FERPA has provided individuals—or their parents in the case of minors

prior to enrollment at postsecondary institutions—with the right to inspect and review their educational records, exercise significant control over the disclosure of information from those records and correct or amend erroneous information in the records. The regulations included several “fair information practices” to provide for these rights such as notice and review and the right to control disclosure of a student’s educational record.

In 1998, Congress passed the Children’s Online Privacy Protection Act (COPPA) to protect the privacy of children under age 13 when using commercial websites and online services, including mobile apps. The primary goal of COPPA is to ensure parents are in control over what information is collected when their young children are online.

Current federal laws do not contemplate electronic records, online service provider rights and responsibilities or individual electronic student profiles. Therefore, federal laws such as FERPA and COPPA must be modernized to better protect student’s educational records and the collection of information gathered online to address the growing use of technology and data in education and throughout society. Congress must also address the emerging use of service providers who provide online educational resources and tools for children, families and schools to ensure there are adequate parameters around the collection, storage, security and destruction of a child’s or student’s personally identifiable information and/or educational record.

National PTA supports the ability of families and students to have reasonable control over the collection, warehousing and use of electronic student data, while also supporting the need for research and data analysis to improve student learning outcomes, instructional design and remedial supports. Additionally, National PTA supports current federal law (COPPA) that requires direct notice to parents and parental consent before an operator collects personally identifiable information and that privacy policies must be clear and accessible to families.

National PTA opposes the wholesale data-mining of educational records or online profiles for unspecified and open-ended purposes. The association recognizes educational agencies and institutions as the nexus between parents seeking access to their child’s data and the service providers that collect the data within a school setting. In managing this relationship, educational agencies should balance parental rights with educationally sound data uses, like personalized and adaptive learning.

To that end, National PTA recognizes the important role parents and families play as partners in protecting and ensuring the security of student data. The association and its constituent bodies promote the establishment of and support for policies and procedures that:

- Inform parents and families on the relevant federal, state, tribal and local laws on student data privacy and security, including consent and notification provisions
- Require states, school districts and schools to be transparent and engaged with families on the development, implementation and notification about policies and procedures related to the privacy and protection of student data in accordance with state and federal privacy laws, including educating students on their right to privacy

- Allow for parents and families to retain the right to review, inspect and obtain copies of their child(ren)'s education records or online profiles and request corrections to inaccurate digital or hard-copy information
- Ensure student data is used for authorized educational purposes only; and prohibit the sale of student data, and/or its use to target non-education related advertising to students and their families
- Ensure school districts and online service providers' privacy and security policies are clear, easy to read and accessible to all parents and families
- Require school districts to designate a privacy and security officer to ensure compliance with privacy law and coordinate the necessary professional development for teachers, principals and any school employee or official who handles student data
- Require school districts and schools to annually (at a minimum) provide teachers, principals and any school employee or official who handles student data with the appropriate professional development to ensure proper privacy and security for student data
- Require school districts and online service providers to have reasonable policies and procedures in place to effectively and appropriately handle data breaches, including procedures to notify students and families, and notification to affected educational institutions in the case of an online service provider breach
- Require online service providers to have a comprehensive protocol to ensure the privacy and safety of student data—that includes the collection, storage, dissemination and cyclic destruction of stale student data
- Require contracts between school districts and online service providers to provide for the ownership of student data upon dissolution of service; provide for the safe keeping of student data after the service relationship has ended and permit the use of student data only in ways necessary to fulfill the contract with the school or district

Adopted: by the 2015 National PTA Board of Directors