

Connecticut General Assembly
Education Committee
Raised Bill HB 5469: "An Act Concerning Student Data Privacy"

March 2, 2016

Re: HB5469 - The need for advance **Informed Parental Consent**

Dear Education Committee,

First, I wish to thank you for taking an active role in protecting the data and privacy of our students in Connecticut. This issue is timely, and even more paramount than it was last year since technologies are moving faster than protections for our childrens privacy and information.

This year, the need for protection is no less, but the process must be strengthened through proactive family engagement in the form of **Informed Parental Consent**.

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, to whom much data will be reported, has been labeled an "epic sized hacking waiting to happen." It would not be too much to say that an ounce of prevention in the form of informed parents would be worth a pound of cure.

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 intellectual property that is acquired on them, whether it is through the use of online programs and applications, or whether it is through staff-entered programs and applications.

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

- 1) Contractors and operators should provide notification in advance and get informed parental consent of the type of data collected on students when a student uses any web-based system.
- 2) Schools/Districts should provide notification to families and get **informed parental consent** about any data that is entered into an online/web-based system about students, and should be told what it is and how it will be used to modify academic or social learning in advance. (i.e. SPED

systems to track learning issues, PBIS apps to track social, emotional or behavioral issues.)

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 require **informed parental consent** to proceed with the 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)

5) Data that is collected through the use of surveys like the School Climate Surveys, even those that are anonymous, should be done so with **informed parental consent** for two reasons:

Lack of true anonymity: Most students access the school network through a login with their school password. In some cases, they are taken from a school-assigned device. Students then access webbased surveys. Even if the surveys are anonymous, the student is taking them as a result of logging in with their password, and they are now tied to the student.

Appropriateness for Students: By intentional design, School Climate surveys ask personal questions about thoughts, feelings, fears, personal habits, behaviors and opinions from children. These surveys are predominantly delivered electronically, thus generating data, the results of which will be analyzed and used to modify behavioral outcomes.

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 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.

Protection is clearly necessary for children with regard to human subject interventions like School Climate programs, but at this time, is not in existence for k-12 students falling outside of those named protections. **informed parental consent** would allow for that. It would give families the proactive ability to support children as needed.

Clearly, some organizations might believe the requirement for **informed parental consent** will stifle educational innovation and experimentation. We should not, however, ignore the future safety and security of our children's personal privacy for the benefit of third party organizations. Nor should we overlook a family's ability to understand and protect the future of their children, especially during this

time of unfettered innovation already fraught with digital security lapses. Lastly, some organizations might believe it would be unduly burdensome for them to deliver and garner "Informed Parental Consent." Ironically, as a direct result of the technological innovations we are making, notification and consent can be achieved in a very efficient manner. However, we need the legislation to make it happen.

It is my hope that the our legislators understand that parents, families and children do not have corporate backing, political action committees, large philanthropic organizations or venture capitalists funding our efforts to protect our children. We are relying on those who have been elected to represent our interests and to do what is in the best interest of our children.

Please strengthen HB5469 by incorporating **explicit and proactive Informed Parental Consent**.

Thank you again for your efforts to protect our children.

Sincerely,
Merle Sprague
Rimmon Hill Rd
Beacon Falls

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