New York State Assembly Education Committee Public Hearing on Disclosure of Personally Identifiable Student Information by School Districts and the State Education Department

Written Testimony of Allison White

I am a citizen from Port Washington, Long Island. My husband and I are both graduates of New York State public schools. We are the proud parents of three wonderful sons educated in public schools in Port Washington. Our oldest son will graduate from Columbia University in May. Our middle son, a high school senior, plans to attend Duke University and our youngest has two years more of high school.

Along with another parent, Deborah Brooks, I am the co-author of The Protect New York State School Children. The petition is addressed to elected and appointed representatives in New York State, including the members of this committee and all the members of the Assembly. The petition asks that you: **Stop the New York State Education Department (NYSED) from sharing confidential information without parental consent and violating the privacy rights of students and parents**. As of yesterday, over 5,200 people from throughout New York State have signed the petition. The petition may be found at: http://petitions.moveon.org/sign/protect-new-york-state

Before I delve into the specific demands contained in the petition, I would like to share why this issue is important to me. I ask that you consider the Merriam Webster dictionary definition of the verb STEAL, S-T-E-A-L

The dictionary defines STEAL as a verb meaning to: 1. take (another person's property) without permission or legal right and without intending to return it and 2. Move somewhere quietly or surreptitiously

When my sons were toddlers, it was my responsibility as a mother to instill in them the idea that stealing is wrong. Taking something that does not belong to you without permission (even if you will be able to get away with it) is just not right. Hopefully, you were taught the same this lesson as well. It’s a basic concept, contained in the Ten Commandments and in many of the laws of our land.

It’s also a key reason why I believe the building of the inBloom database and the sharing of PII without parental consent or knowledge are simply wrong. I know that inBloom’s executives, Commissioner King, NYSED, Arne Duncan and others will argue they are not stealing. They will claim that FERPA and other laws provide a legal rationale for why they may stake claim to the Personally Identifiable Information of my children and other children throughout our state. They will promise that the data will be “safe or secure or encrypted” and therefore it is acceptable for them to collect, store and share it. They will tell you they are amassing this data out of noble aspirations for the education of my children and those of other public school students. They will claim they don’t need parental consent. When parents question their motives and demand that our children’s data belongs to us and not to them, they will claim that we are “misinformed” or call us names.

However, as the mother of three teenagers, I’ve had years of practice detecting when someone is trying to pull the wool over my eyes. I’m not buying what inBloom and NYSED are selling and neither should you.

Seventeen years ago, when I enrolled my first child for kindergarten, I never imagined that I had somehow surrendered my rights to make decisions about my children and their futures. Throughout all the years I’ve filled out health forms and permission slips, never did I consider that my children’s health, disciplinary, or academic records or the personal and private concerns I shared with a teacher or administrator about my child or my family, would be shared without my knowledge or consent. The idea that this sensitive information about my child would be collected and stored in a massive database that someone else could control against my wishes, never crossed my mind and seems likes a science fiction nightmare.

All around our State there are parents, grandparents and other citizens who share my views in this regard.

How do I know? Last year, after my friend, Deborah Brooks, first made me aware of the inBloom project, I started reading and researching. Deborah had already been investigating inBloom and related data privacy issues for months. As a trained attorney, she had read every privacy law and statute at all levels of government. We went to our local parent organization and school board meetings and our Superintendent and Board of Education told us they didn’t agree with the inBloom plan but that the State offered our district no choice in the matter. We attended other meetings and forums. We contacted elected officials. We heard Regent Tilles speak at the Port Washington Public Library and we listened to Commissioner King and Chancellor Tisch at the forum at Mineola High School, moderated by our State Senator Jack Martins. We spoke to friends, neighbors, and community members. We sent a lot of emails.

Most people we spoke with were incredulous that our own State Education Department would even propose such a plan and no one could tell us how to stop it. So in late December, Deborah and I sat down at the computer in my kitchen and wrote the Protect New York State School Children Petition. Neither one of us had ever launched an online petition. We did not have the monetary resources, the PR experts or lobbyists behind inBloom, Bill Gates and Rupert Murdoch.

Nonetheless, people started signing our petition. Our local newspaper wrote an article and we met other parents who out of necessity had become grassroots activists. They shared the petition in their communities.

In addition to signing their names, without any prompting, many petition signers leave comments. While I urge you to read all the signers’ names and towns, and all the comments, at the petition provided above, I’ve copied some of the comments here. I ask that as you read them you picture the people behind each one, and the child they love who lives in New York State.

*Information should not be shared without a parent or guardian's consent.*

*There is absolutely no excuse for inBloom, Inc. being given information on our school children!*

*I am a registered voter who votes in EVERY ELECTION! I am appalled that my elected officials cannot see the error of this.*

*Let's help our children not hurt them.*

*No they can't even do the jobs right of teaching the kids and now you want all their info... Government is starting to have too much control of our kids and us*

*Stop collecting and selling my children's information*.

*I will not allow my children to go to a public school if this is approved. I will protect my Children's privacy and private information like medical records which are protected by our government already. I expect our government to be forthcoming about their intentions and inform us (the public) of matters that impact our children and ourselves. I will not allow the government to take away my parental decision making choice.*

*STOP THIS EDUCATIONAL FARCE.*

*This plan is an affront to all parents and students in our state. The gross mismanagement of the CCSS and APPR process should give policy makers sufficient justification to rethink this ill-conceived plan.*

*Our children are not employees, they are not commodities, and they are not owned by the government or special interest groups! This unnecessary intrusion into their lives needs to stop.*

*Parents & children should not loose their rights to privacy. These rights MUST be Protected. I'm completely opposed to any sharing or storage of student data for the OBVIOUS and Valid reasons listed in this petition.*

*Stop collecting data on my children without my knowledge!*

*Positively Orwellian idea. There is absolutely no reason, none, for this data to be collected let alone disseminated - and to a profit-making business at that! These people need to get the message loud and clear.*

*No option for parental opt out is disgraceful. This information will not be secure. The district has to get my permission to use a picture of my child on their website or run in the local paper but I have no control over my child's private data?! What country is this?!*

*The state is over stepping their bounds. This should not happen without parental consent. Whoever approved this program should be publicly identified before the next election.*

*ARE YOU PEOPLE KIDDING ME?? THIS IS GOING ABSOLUTELY TOO FAR.*

*Children need to be protected not used as data!*

*I’m fighting to protect my children from those who seek financial gain at the expense of their right to privacy*.

*This is such an egregious affront to the constitutional rights of citizens of the United States that I find it incredible that a petition is required to rectify it.*

*Inbloom and independent Developers who sign up through inbloom; do not have the right to my child's and my families information; especially without our permission, and you do not have our permission. Inbloom.org has a back door to allow corporations to view our children's information. This is my child and my child is not an experiment especially without my permission.*

*Stop violating our children privacy! Do what is right*.

*Immediate impeachment, firing, termination of all PUBLIC employees involved in this unconstitutional assault on our kids’ privacy!*

*I guard my personal information by hiring companies to protect and monitor it, how dare you sell my children's personal data to a private company.*

*This needs to stop and parents need to have the right to say if you can share information or not.*

*What has happened to obtaining parental consent and identity protection??? The only people that need to know about my children are their teachers, their doctor, and my husband and I. If there is a concern with my children's learning I'll address it with the teacher.*

*NO. I do not agree with sharing my children's personal information. This should have had the parent's consent*!

On behalf of all those who have signed the Protect New York State School Children petition, we demand that you:

 **Stop the New York State Education Department (NYSED) from sharing confidential information without parental consent and violating the privacy rights of students and parents.**

Specifically, we request that the Education Committee and all members of the Assembly heed our demands for the:

• Immediate cessation of all transfer of PII to inBloom, and/or its partners, and/or affiliates;
• Immediate termination of NYSED’s contract with inBloom;
• The swift passage of strongly worded legislation that 1) protects the privacy of students and safeguards PII, 2) provides parents/legal guardians with the opportunity to decide who has access to PII about their children and the right to withhold such information from NYSED, 3) requires explicit written consent of parents/legal guardians before NYSED can disclose PII, and 4) imposes civil and criminal penalties on those who violate State privacy laws.
• Review and restrict the number and type of data points NYSED is allowed to obtain from school districts; review the financial and emotional costs to the students, parents and taxpayers of New York State related to NYSED’s current contract with inBloom, and the current uploading of PII; and assure the immediate termination and punishment of any government official found to have caused harm.

We call on the members of the New York State Assembly to stop NYSED and inBloom and put an end to the invasion of student and parent privacy. We are resolved to protect the children of New York State.

Thank you for your consideration.

Allison White

Co-author Protect New York State School Children Petition protectnystudents@gmail.com