

New York City Comptroller John C. Liu
Submitted Testimony
City Council Education Committee
Public Hearing to consider Res. No. 1768-2013
Monday, September 30, 2013

Thank you Chairman Jackson and members of the Education Committee for holding this important hearing on protecting the privacy of New York City public school students. I submit this testimony in strong support of proposed New York State Legislation, A.6059-A/S.5932, and in strong support of City Council Resolution No. 1768-2013.

A growing number of New Yorkers are deeply concerned about the New York State Education Department's (NYSED) and the City Department of Education's (DOE) decision to release personally identifiable student and teacher data without parental consent to inBloom Inc., a corporation funded by the Bill and Melinda Gates Foundation. I share these concerns as both a New York City public school parent and as comptroller.

The initial service agreement between inBloom and the NYSED involved no fee for service or any costs at all and therefore bypasses State and City Comptroller review and registration—though now we have been told that starting in 2015, the State and/or the City will have to pay a per student fee for inBloom's services. The troubling lack of transparency with regard to what seems to be unprecedented disclosure of personally identifiable information raises grave concerns about the risks, safeguards, liability, and the long-term financial planning associated with this agreement.

Last May, I submitted a letter to NYSED Commissioner King and the Board of Regents urging them to withdraw New York State from this project, but the State is moving ahead with its plan. As of one of nine states to participate in the inBloom project, New York State students are guinea pigs for an operation that is driven as much by profit potential as it is for any educational benefit. Louisiana, Kentucky, Georgia, North Carolina, and Delaware have all since withdrawn from the project due to privacy concerns, and there are strong indications that others will follow suit. Just last week, Jefferson County in Colorado, that state's one pilot district, agreed to allow parents the right to opt-out of having their children's data shared with inBloom.

While it appears that the NYSED and inBloom have satisfied the bare minimum legal standard of the Family Education Rights and Privacy Act (FERPA), I am deeply disappointed that the NYSED has not chosen to adhere to a higher standard of protection for the personally identifiable information of the people it is meant to serve. By inBloom's own admission, it "cannot guarantee the security of the information stored in inBloom or that the information will not be intercepted when it is being transmitted." Additionally, save for an immaterial \$1,000,000 to \$5,000,00 that inBloom will set aside, the State and City have accepted near total liability. In the agreement, inBloom and its third-party partners (whoever they may be) reject just about any liability.

Despite the fact that the goal of this project is for inBloom to create a "data store" where third-party providers will use student data to develop products, NYSED and inBloom officials have

stated that there is no necessity for parental consent. In fact, the state has already uploaded or is in the process of uploading personal data from all the public school students in the state, even though hundreds of parents have asked to opt out.

NYSED is also requiring that nearly every school district, including NYC, sign up with one of three companies that will produce “data dashboards” that will be populated with personal data from the inBloom cloud. A few districts that refused Race to the Top funds are exempted from signing contracts with these companies, but their student data is being shared with inBloom anyway. Why must districts that do not want to participate still be required to upload the data? Moreover, starting in 2015, districts will have to pay fees for the use of these dashboards, in addition to the fees charged by inBloom. NYSED is also encouraging districts to share even more personal student information and sign up for even more software tools from vendors who will be provided with this data, through the inBloom cloud, all without parental consent.

Indeed, NYSED has told districts that there is no necessity to allow opt-out or seek consent before student data is shared with any vendor, but they have not absolutely barred districts from doing so. Sadly, the City DOE has chosen not to allow either parental opt-out or consent. All this is being done despite the fact that, the “educational benefits” of these dashboards and the other software tools that inBloom is supposed to facilitate are entirely theoretical. We’ve seen this before. In 2007, the DOE announced that the data-management portal ARIS would “revolutionize” the school system, but a 2012 audit by my office demonstrated that the system is rarely if ever used and appears on the brink of becoming obsolete.

As for inBloom, even with the potential of “educational benefits,” the “data store” would have a more immediate, commercial benefit for third-party, for-profit providers. Others concerned with this plan have adroitly pointed out that in light of the heavily commercial elements of the agreement, inBloom and the NYSED have failed to conform to child protection standards for Personally Identifiable Information set forth by the Federal Trade Commission. This is worthy of a deeper look. All of this is to say that the NYSED’s legal argument could put the State and City in risk of serious liability.

Also disconcerting is the fact that the service agreement clearly states that inBloom “cannot guarantee the security of the information stored in inBloom or that the information will not be intercepted when it is being transmitted.” The agreement further states that inBloom will take all “reasonable and appropriate measures” to protect the data. This is hardly reassuring language, especially when breaches of security and loss of privacy happen with increasing regularity even in the most secure domains.

Currently, inBloom is a lean operation and has sub-contracted with Wireless Generation (now Amplify) to help with the management and protection of the data. Wireless Generation/Amplify will or currently has access to student and teacher personally identifiable information without having to obtain informed consent. Wireless Generation/Amplify’s parent company, News Corporation, is in the midst of several high-profile criminal trials in the UK for egregious privacy violations and seems likely to undergo a full-scale US Senate investigation once those trials are finished. This raises further questions about the integrity of the inBloom agreement.

Additionally, settlements and liability claims for data breach are on the rise. A recent report about data security threats in the health sector finds that settlements have the potential to reach \$7 billion annually. Many data breaches are not typically malicious or criminal in nature and are often accidental—lost computers, employee error, etc. The simple reality is that technologies that promise greater productivity and convenience especially through the use of file-sharing applications and cloud-based services are extremely difficult to secure. As you know, these are the exact services that inBloom and its third-party affiliates are promising to New York.

Another concern has to do with the long-term financial plan for inBloom. As stated, inBloom intends to be financially independent from the Gates Foundation by 2016. Right now, it seems the Gates imprimatur is the glue that holds this agreement together, but what happens when Gates is no longer involved? How does inBloom guarantee that it will be sustainable and financially solvent—especially as most of the states that originally planned to participate have now pulled out of any data-sharing agreement?

People ought to have confidence in the State's and City's ability to effectively safeguard personal information, yet there is a troubling lack of transparency in what seems to be an unprecedented disclosure of personally identifiable information. I would like to reiterate what I asked the NYSED and the Regents to do last May:

1. Hold public hearings throughout the State to explain the why this agreement should be pursued, answer questions, obtain informed comment, and gauge public reaction;
2. Notify all parents of the data disclosure and provide them with a right to consent;
3. Define what rights families or individuals will have to obtain relief if harmed by breach, improper use, or release of their private information, including how claims can be made;
4. Ensure that the privacy interests of public school children and their families are put above the commercial interests of inBloom, Wireless Generation, and all other third-party affiliates.

I would like to add to this list my support for the legislation being considered by the State, A.6059-A/S.5932, that would block re-disclosures with any third-parties, without parental consent, and would require vendors to indemnify the City and State for any breaches of data. Finally, in today's technological age, people regularly broadcast personal information on social networking sites and provide information to internet vendors, but they do so willingly. No one wants to learn that their personal information, and especially their child's, has been handed over to an anonymous marketplace without their prior knowledge or consent.

Thank you.

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**Testimony Regarding Student Privacy (Resolution No. 1768)
before the Committee on Education of the New York City Council**

New York State Senator Brad Hoylman

September 30, 2013

Thank you Chair Jackson and members of the Committee on Education. I represent New York State's 27th Senate District, which includes the neighborhoods of Clinton/Hell's Kitchen, Chelsea, Greenwich Village, the Upper West Side, Midtown/East Midtown, the East Village and Lower East Side, as well as 21 public elementary schools, 5 public middle schools, and 39 public high schools.

I greatly appreciate your holding this hearing on student privacy, an issue extremely important to me and the families in my district. I'd also like to thank my colleagues in the State Legislature, Assembly Member O'Donnell and Senator Grisanti, for introducing state legislation (A.6059/S.4284), of which I am co-sponsor, that would generally prohibit the release of students' personally identifiable information to third parties without parental consent.

I share the serious concerns I have heard from constituents who were very disturbed to learn earlier this year that the New York State Education Department (NYSED) planned to share confidential student data with the non-profit corporation inBloom Inc., with which NYSED contracted to provide a K-12 student database. News reports suggested that for-profit companies and other commercial vendors could have access to this data, and that inBloom, Inc. cannot guarantee the security of the information stored. This risk – with inBloom, Inc. or any other outside entity -- is unacceptable.

I recognize the potential benefits of integrating technology and education. That said, I strongly believe that our state must not proceed with any initiatives, however well-intentioned, that could compromise the privacy of our public school students without giving parents an opportunity to make informed decisions about their children's

participation. In fact, five of nine states that originally planned to participate in the student information-sharing plan with inBloom, Inc. have officially withdrawn the proposals amid privacy concerns. New York should do the same.

Frankly, as the father of a young child who will soon enter the public school system in the coming years, I do not believe that any educational value derived from the sharing of students' personally identifiable information is worth the risks of its potential misuse or leakage. Further, I believe there are ways school systems can harness technology for curriculum tracking, overall student progress assessment, and for the application or qualification for federal funds, without the disclosure of students' personally identifying information.

In order to adequately protect students' privacy rights, I believe it is vital that the State Legislature and the Governor pass A.6059/S.4284. I am proud to be a co-sponsor of this important bill and thank the Council for considering this resolution.

Thank you for allowing me to present testimony and for your consideration of my remarks.

FOR THE RECORD

Thank you for highlighting the issue of the request by inBloom to manage our New York State students data. I was astounded by what I found out when I looked further into this and I provide some notes for you to consider.

1. The CEO of inBloom is a venture capitalist who started at Bain and Co. and has a perfectly nice investment banking portfolio but this CEO has no educational background.
2. Will ARIS ended? Why are we privatizing ARIS into inBloom Inc.?
3. Will News Corp. (who setup the database) earn ongoing royalties from the implementation of the that management system?
4. Why is the Bill and Melinda Gates Foundation funding an organization that might in the end be the only source of complete data of students in the public school system from K-12? Will Microsoft benefit from inBloom controlling access to student data for education technology vendors?
5. We will in the end be left with no alternative other than inBloom Inc.
6. InBloom is not an educator it is a vendor alignment organization registered as a not for profit but how will it in the end capitalize it's engagement with vendors? Once they have the monopoly and we have given them for free our ARIS they will privatize inBloom and sell it back to NYC at a profit.
7. Who are the vendors inBloom will be engaging? How will they benefit from inBloom Inc. recommending their services?
8. One of the creators of ARIS is now working for inBloom. This is possibly an ethical conflict of interest. Has this person waited the required amount of time before joining a private organization actively in competition with the government organization?

I will march in the street to oppose this barely concealed attempt at privatization.

Dean Parker

CEC Member D10

FOR THE RECORD

Ms. Michelle Ciulla Lipkin
Co-Chair Chancellor's Parent Advisory Council
Statement at City Council Hearing September 30, 2013

RE: Res. No. 1768 - Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.6059/S. 4284, legislation that would protect student privacy by prohibiting the release of personally identifiable student information without consent.

My statement will be brief because this issue is simple. We must protect student privacy by prohibiting the release of personally identifiable student information without consent.

I am here today as a parent. I am here to tell you that parents are appalled that their child's privacy is being violated and private information is being collected without their knowledge. You should see the look on their faces when they hear about this issue. Stunned and disgusted are the words I would use.

That the NY State Education Department is planning to share the most private, confidential data all NYS public school students with a corporation called inBloom Inc. is criminal. As a parent, I should be asked for consent for my child's information. It should not be given out without my permission.

As a parent, I have to sign a permission slip for my child to go out on a field trip. I have to give permission for my address to be put in the school directory. I have to log in with a secure password to get my own child's test scores. There are checkpoints in place to keep our children safe. Why then would we allow our State Education department to deal with this issue of privacy and security in such a careless manner?

Parents should not have to worry about personal information about their child being shared with an outside, unrelated company with questionable motives. As a parent, I want the choice of whether or not my child's information is shared. That is a decision that I should be making.

I have the utmost respect for the members of the City Council and understand your deep commitment to our children. I know you agree with me: schools should be a safe haven for children in every way. I urge you to do the right thing today. Protect our children and give parents their power back when it comes to their children's privacy.

Thank you.

The need to protect student privacy and reject inBloom, Inc.

Karen Sprowal, PS 75 PTA and public school parent

September 30, 2013

Good morning, my name is Karen Sprowal and I'm speaking with you today as a public school parent who is outraged about the backroom data deal the State Education Department made with inBloom Inc. to share my son's confidential student records with private vendors. In this deal all of our children's identifiable school records are going to be given to this private corporation funded by the Gates Foundation.

My son Matthew has Special Needs and requires a high level of supports in and outside of his school. It is important that I and his doctors partner closely with his teachers, the school nurse, principal, guidance counselor and other school staff to ensure that he thrives. Much of the information shared with his school requires a signed medical release under the medical protection laws of HIPPA. Like most young developing children, there's a great deal of sensitive data in his school records from grades k thru 5th, and if this information were misused or made public, it could cause serious harm for his prospects in life. NYSED has up-loaded these records, stored them in a data bank built by Wireless Generation run by the former schools chancellor Joel Klein

His identifiable records will be shared with 3rd parties and for-profit private companies, without parental consent or any notification of with whom they are sharing this information with! I can tell you this will profoundly change what information I share with his school. I'm his legal guardian, no one but me is supposed to decide what is shared about my child and with whom it's shared with. As his mother, I assess the risk and decide what's necessary to disclose to whom and for what purposes. These personalized learning technologies are only experimented with public education children. No private schools are signing up for this crap, so one needs to seriously question why.

My son's school has met the criteria to qualify for title1 funding for years now. However, due to the parents mistrust of the DOE, many qualifying parents refused to complete the annual lunch forms. We managed to persuade them to fill out these forms only after a huge outreach initiative led by PTA members, who reassured them that their sensitive family information would only be used for the school's title 1 assessment. That's now a LIE, this data will now be on a data cloud that will be run by Amazon.com who also is in this deal! This year will be our schools first year qualifying for much needed title1 funds. As more parents become aware of this inBloom Inc. deal, they will not come forth to disclose personal information. This will cost many of the neediest schools districts like mine millions in lost federal funding.

The same problems apply to Medicaid funding. The city has lost hundreds of millions of dollars in recent years because they haven't gotten reimbursed for special education services through Medicaid. Now parents will also be far more reluctant to sign these forms knowing the information may be shared widely and perhaps breached. NYSED has again completely marginalized the role of parents and has trampled on the rights of our children with this deal.

There have been no prior parental opt out provisions, notifications, consent forms, and no public hearings held. Commissioner King's response that there is no need for parental consent or opt out, this is not acceptable! Recent FERPA changes created the loopholes used to hatch this scheme, hopefully not for the intent to sell our kids confidential school records to for-profit corporations, because they are not for SALE! As five states have pulled out of inBloom, and more are reconsidering, New York is the only state still moving forward with sharing data for all its public school students, despite parental outrage and the serious security risks involved with cloud data storage.

I urge you to pass this resolution and urge the Legislature to pass bill A.6059A that would block re-disclosures without parental consent, and A.7872A to give parents the right to opt out of data sharing with third parties. Identical versions to these bills have been introduced in the State Senate, S. 5930 and S. 5932. This awful deal has nothing to do with "personalized education." but yet another very lucrative pay day for profit corporations, and to benefit Joel Klein, Gates, Murdoch and many other companies.

Thank you!

For the Records

I am very concerned about the proposal to share our student's information. I say this as a parent to special needs children, and in my role as president of the District 75 Community Education Council, which represents citywide the thousands of families of special needs children who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, sensory impaired and/or multiply disabled,

Our children's information being shared would become a fountain of resource for criminal acts of identity theft. How many of our children would check their credit history for inconsistencies or errors? These crimes by no stretch are victimless. Disabled children and adults have lost services and benefits after being such victims and must then prove their innocence in such matters. People in everyday life without disabilities struggle to expunge their records of these criminal acts, imagine how much harder it is for our loved ones who are limited in their ability to advocate for justice.

It would also make it easier for our children who will someday be adults to be excluded from such services such as day habs, residency, etc if such information that includes incidents where police or emergency services have been called to address a particular behavioral incident which in some instances would be isolated or misunderstandings.

Major points of concern include:

- ✓ Lack of transparency from the DOE
- ✓ How will the DOE gather such information?
- ✓ What will this information be shared for?
- ✓ What is the purpose of this information to be shared?

There are many ways that the gathering of such information and access to our children's information can go wrong. Have we not witnessed this with the most trusted of institutions such as: banks, credit reporting companies, and even hospitals have been negligent in the disposal of records. How easily can a predator access and misuse such information?

Currently New York and Illinois are the only states remaining that share this data with these agencies without allowing the parent to choose not to participate. Please vote to protect our special needs children and all the children of New York City. I ask that you allow parents the ability to management and monitor the sharing of their personal information.

Inbloom:

What is a lie? A lie is a false statement to a group who knows it is not the whole truth, intentionally.

Inbloom and Gates are liars saying Inbloom would help students by data mining students most personal details to sell products and and make huge profits in the future. SHAME on John King and the DOE for selling out all the students of NY. Smaller classes will support children not data mining.

As a parent of students in NYC, I am overwhelmed with disgust that the DOE is giving my children's private personal information without my consent to be hosted on an amazon cloud to be shared with any vendor. It is a parents intuition to protect their children from the unspeakable which is Inbloom. Why should everything a school knows about my children be on a cloud then sold to companies who will profit off the data, by marketing materials to schools and probably parents. Its claims to be safe but is anything safe on a cloud anymore?...in-fact Inbloom denies any responsibility whatsoever!

Private and especially sensitive information that could specifically identify and prove potentially injurious to students should not be disclosed without parents consent. Despite the weakening of privacy laws, this is in fact criminal. Do Parents have to change their children's names and Social Security numbers to escape the long claws of Inbloom dicing up a child's life into 400 data points for the prying eyes of any vendor?

You are creating the schools as the enemy who gather and enter the data so my family refuses to complete or sign school forms. Why Should a child's IEP classification follow them to their career, when many children out grow their disabilities or classifications? Also, there is no checks and balances to confirm the data is correct by parents in Inbloom. Unchecked private information, especially that which could unfairly prejudice educational institutions and potential employers against a student is unethical. I am worried for the children who have IEP's, or are in Foster Care, ELL, and others. Who are speaking for those children?

Parents are frustrated by the non-consensual use of their children's data. Re-disclosure of data to unlimited parties bypasses parental rights. These are my children not the ward of the State or Federal Government.

Small class sizes will increase students knowledge not expensive data mining that will line the pockets of Gates, Murdoch, or Pearson.

Lisa Shaw

D3 and D6 Parent of four children with IEP's.

Currently, New York City educators and families access student data through ARIS. As part of its Race to the Top commitment, the New York State Education Department (NYSED) will offer online data tools to educators and families through the new EngageNY Portal (ENYP). When the ENYP tools are ready, we anticipate that educators and families will be able to use its dashboards and resources, which will be similar to those provided by ARIS. This FAQ explains to schools, students, and parents the measures in place to guarantee student data security and privacy in the ENYP.

1. What are the benefits of using the EngageNY Portal (ENYP) for educators and families?

The ENYP tools will allow educators and families to use data to understand student needs and target instruction. Data will be fed into the ENYP through a non-profit organization, inBloom. inBloom makes it easier for districts and states to connect their data to the tools they want to use at a lower cost. The ENYP will allow educators and families to continue to securely access student data and tools, and create an opportunity for New York City school users to access additional data and tools in the future. Additional information about the ENYP and inBloom can be found [here](#).

2. Is student data privacy protected?

Yes. Protecting student privacy is of the utmost importance, and we take this responsibility seriously. All student data are managed in accordance with the federal Family Educational Rights and Privacy Act (FERPA), which defines required protections for these data. Since online data tools have been available, New York City schools have used them in a way that is consistent with FERPA protections. For example, student information in the citywide data system ARIS has been fully protected, consistent with FERPA. Student data privacy and protections in NYC will not change; inBloom is being developed in compliance with FERPA. Consistent with FERPA, the NYCDOE will continue to set the privacy and security policies that govern how that data are protected, including who has access to it and for what purposes. If commercial vendors are hired to develop applications that use the inBloom data system, their contracts will continue to require FERPA compliance and they will be subject to an annual review to ensure security measures are being followed. Additional information on ENYP data security can be found [here](#). inBloom has released a comprehensive set of guidelines outlining their security systems and privacy policies. You can find more information [here](#).

3. Can vendors use student data for other purposes?

No. No company or commercial vendor will be able to use student data for any purpose other than the one outlined in its contract. If commercial vendors are hired to develop applications that use the inBloom data system, their contracts will continue to require FERPA compliance. Contracted vendors will manage student information by displaying the data stored in inBloom, allowing schools, parents and students to securely view their data. Neither inBloom nor any of its partners may sell, give away or commercially exploit confidential student data. Re-disclosure of student data to other parties not authorized in the contract is prohibited. Data will never be sold and student data will never become the property of inBloom; NYCDOE will continue to own, manage and control access to student data.

4. Who will have access to student data through the ENYP?

Educators and school administrators, families, and some central office employees will have access to student data, similar to access to ARIS. NYSED and the NYCDOE have strong measures in place to ensure proper use of student data, including role-based access management, which sets strictly enforced rules regarding which individuals can access certain data. For example, a teacher can only access data for the students in her class, and a principal can

only access data for the students in her school. Vendors also have access to student data, in accordance with FERPA and for use only for the purpose outlined in their contract.

5. What type of educational records will be included in inBloom's database?

According to the State, the information that will be included in inBloom's database include student demographic information; parent contact information (necessary for data security and authorization purposes); student enrollment; program participation; dates of absences, out-of-school suspensions, and course outcomes (necessary for early warning determinations); and State assessment scores. The State has collected these types of data for approximately ten years in order to meet its State and federal compliance and program evaluation mandates, including public reporting of school report cards, school and district accountability determinations, cohort graduation rates, and college- and career-readiness determinations. The State does not and will not collect social security numbers. For more information, see this [memo](#). For a complete list of data elements visit NYSED's [data dictionary](#).

6. Can parents opt out of having their child's data provided to inBloom and displayed in the ENYP?

According to State guidelines, there is no formal provision for parents to opt their children out of inBloom. The student data available in the ENYP are needed for educators and administrators to support instructional planning. Looking at student data helps teachers understand individual students' areas of strength and need, and supports teachers in tailoring instruction and resources to better serve their students and accelerate student progress and achievement. The NYCDOE and NYSED have strong measures in place to protect student privacy and ensure data security.



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

The New York City Council Committee on Education

Hearing:

Res 1768-2013

Protect Student Privacy by Prohibiting the Release of Personally Identifiable Student Information Without Consent (A.6059/S.5932)

**Testimony by Catherine McVay Hughes, Chairperson
and**

Tricia Joyce, Chairperson, Youth and Education Committee

Monday, September 30, 2013

250 Broadway - Committee Room, 14th Floor

10:00 AM

Good morning Chairman Jackson and members of the New York City Council Committee on Education. I am Catherine McVay Hughes, Chair of Manhattan Community Board One (CB1), and I am accompanied by Tricia Joyce, Chair of the CB1 Youth and Education Committee. We thank you for the opportunity to comment on this very important topic involving the protection of student privacy.

At our board meeting on April 23, 2013, CB1 passed unanimously a resolution expressing our strong concerns about the agreement by the New York State and New York City Departments of Education to share confidential student and teacher data with a corporation funded by the Gates Foundation called inBloom Inc.

Our understanding is that this confidential data would include children's personal information, including name, address, grades, test scores, disciplinary records, attendance, race, ethnicity, economic status, disabilities, health conditions and other highly sensitive information. This information is to be stored in an electronic "data store" built by Wireless Generation, a subsidiary of Rupert Murdoch's News Corporation, which has been found to have illegally violated privacy in Great Britain and in the US.

This information would be placed on a data cloud managed by Amazon.com. InBloom Inc. has already stated that it "cannot guarantee the security of the information stored or that the information will not be intercepted when it is being transmitted." We would therefore have serious concerns about the safety of this sensitive data. Moreover, inBloom Inc. intends to make this highly confidential data available to commercial vendors to help develop and market their "learning products."

All of this is happening without parental notification or consent. We therefore expressed support in our resolution for A.6059/S.4284 (now S.5932), sponsored in the New York State Assembly by Daniel O'Donnell and in the New York State Senate by Joseph Robach. The bill would

require parental notification and consent before any confidential, personally identifiable student data is disclosed to third party vendors.

Our resolution also called for the NYS Education Department & NYC Department of Education to immediately:

1. Notify parents of these impending disclosures and provide them with the right to consent before their child's information is shared
2. Hold public hearings to explain the point of these disclosures, and hear the concerns of parents & privacy experts about how this plan risks children's privacy, security and safety
3. Pledge that the privacy rights of public school children and their families will be respected over the interests of the Gates Foundation, inBloom Inc., News Corp, or any other company or organization; and
4. Remove all health, disability and personal information (including: name, gender, social security number, and age) from the database

We hope that members of the City Council Education Committee and all members of the Council will pass Res 1768-2013, calling upon the New York State Legislature to pass A.6059/S.5932, so that our children's privacy will be protected and parents will be provided with full notification and the right to consent before any disclosures occurs.

Thank you for the opportunity to testify today.



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RESOLUTION #94 REGARDING THE NEED TO PROTECT STUDENT PRIVACY

Whereas, New York State and NYC Department of Education have agreed to share confidential student and teacher data with a Gates-funded corporation called inBloom Inc.; and

Whereas, this confidential data will include children's personally identifiable information, including name, address, grades, test scores, disciplinary records, attendance, race, ethnicity, economic status, disabilities, health conditions and other highly sensitive information; and

Whereas this information is to be stored in an electronic "data store" built by Wireless Generation, a subsidiary of Rupert Murdoch's News Corporation, which has been found to have illegally violated privacy in Great Britain and in the US; and

Whereas this information is to be placed on a data cloud managed by Amazon.com, and in a recent survey, 86% of technology professionals said they did not trust clouds to hold their organization's more sensitive data; and

Whereas inBloom Inc. has already stated that it "***cannot guarantee the security of the information stored...or that the information will not be intercepted when it is being transmitted.***"; and

Whereas inBloom Inc. intends to make this highly confidential data available to commercial vendors to help them develop and market their "learning products"; and

Whereas: all this is happening without parental notification or consent.

Therefore Be It Resolved that NYS Education Department & NYC DOE should immediately be obligated to:

1. Notify parents of these impending disclosures and provide them with the right to consent before their child's information is shared;
2. Hold public hearings to explain the point of these disclosures, and hear the concerns of parents & privacy experts about how this plan risks children's privacy, security and safety;
3. Explain how families can obtain relief if their children are harmed by the improper use or accidental release of this information, including who will be held financially responsible;
4. Pledge that the privacy rights of public school children and their families will be respected over the interests of the Gates Foundation, inBloom Inc., News Corp, or any other company or organization.

Therefore Be It Further Resolved that NYS Education Department & NYC DOE remove all personal identifying information, including but not limited to name, address, OSIS number, social

security number, and parent name, from data records shared with organizations outside the Department of Education, except in situations that are directly related to the individual child and where the Department of Education has secured the parent or guardian's permission, in writing, for said sharing of information

Therefore Be It Further Resolved that we urge our state and local elected representatives to help us protect our children's privacy and to ensure that parents are provided with full notification and the right to consent before any disclosures occur.

VOTED AND UNANIMOUSLY APPROVED: March 21, 2013

Local 372

Our job is kids

DC 37, AFSCME,
AFL-CIO



**TESTIMONY OF LOCAL 372 PRESIDENT SANTOS CRESPO, JR.,
BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
EDUCATION**

**HONORABLE ROBERT JACKSON
CHAIRMAN**

MONDAY, SEPTEMBER 30, 2013

Good Morning.

My name is Santos Crespo, Jr. I am president of Local 372, District Council 37. I want to first thank Chairman Jackson and the members of the Education Committee for your time and concern in ensuring the needs and concerns of New Yorkers concerning privacy are addressed in Resolution 1768-2013.

Our union represents more than more than 20,000 non-teaching employees within the New York City public school system. Our members are the Parent Coordinators, School Aides, Crossing Guards, and Substance Abuse Prevention and Intervention Specialists (SAPIS) counselors.

Our members are the men and women who are the bridge that leads our children safely from their homes to the school door; provide the healthy, nutritious meals; ensure the hallways and school yards are safe; provide the intervention services to those students who fall to the temptations of drugs and alcohol; and provide the vital link between the school and the local community. As the people that are entrusted to protect our children we could not stand idly by and permit New York State Education Department to partner with an outside vendor to create a student data and third-party application that compromises privacy.

We applaud the NYSED's goal of seeking to provide educators, students and families with, allow me to use their words: "high quality data tools and educational content to support our schools in delivering excellent instruction while transitioning to common core." Unfortunately this is the wrong approach.

In a world where computer hackers are able to steal personal information at-will it seems counter-intuitive for the NYSED to agree to share confidential student information with corporate entities. This shared information would include: names, addresses, test scores, disciplinary and attendance records, race, ethnicity, disabilities and other highly sensitive information.

This should be disconcerting to all parents especially considering that the NYSED will be making this information available to commercial vendors to be used in the development marketing learning products. It is deplorable to compromise our student's privacy so that corporations can utilize in the creation of products to be sold right back to us.

It is yet another example of corporate welfare!

What is more frightening still, is the that a proposal like this would even be considered in light of the recent failures of the private contractors who approved the hiring of Edward Snowden and the man who launched the murderous rampage at the Washington Navy Yard.

And, frankly our state and local governments do not have the best track record concerning its contracts with third-party vendors. From the City Time fiasco to Sodexo siphoning cash from kids and soldiers our tax payers continue to be victim to unscrupulous private contractors. We simply can't take a chance and believe that this time is different and that the outside vendors that the NYSED is seeking to share this information with will not exploit and safeguard it from hackers and other unscrupulous people. The information that NYSED is seeking to provide to third-parties is much too sensitive to take any chances.

Local 372 fully supports this resolution and urges the Legislature and Governor to enact A.6059/S4284 into law and create safeguards on the release of sensitive and personal information about students, and that parental or student consent should be part of any process releasing personally identifiable student information to third parties.

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EngageNY Portal (ENYP): Data Security and Privacy

Ken Wagner

Deputy Commissioner for
Curriculum, Assessment, and Educational Technology
New York State Education Department

September 30, 2013



EngageNY.org

Graduating College and Career Ready - Statewide

New York's 4-year high school graduation rate is 74% for All Students. However, the percent graduating college and career ready is significantly lower.

June 2012 Graduation Rate

Graduation under Current Requirements

| | % Graduating |
|----------------------------|--------------|
| All Students | 74.0 |
| American Indian | 58.5 |
| Asian/Pacific Islander | 81.6 |
| Black | 58.1 |
| Hispanic | 57.8 |
| White | 85.7 |
| English Language Learners | 34.3 |
| Students with Disabilities | 44.7 |

Calculated College and Career Ready*

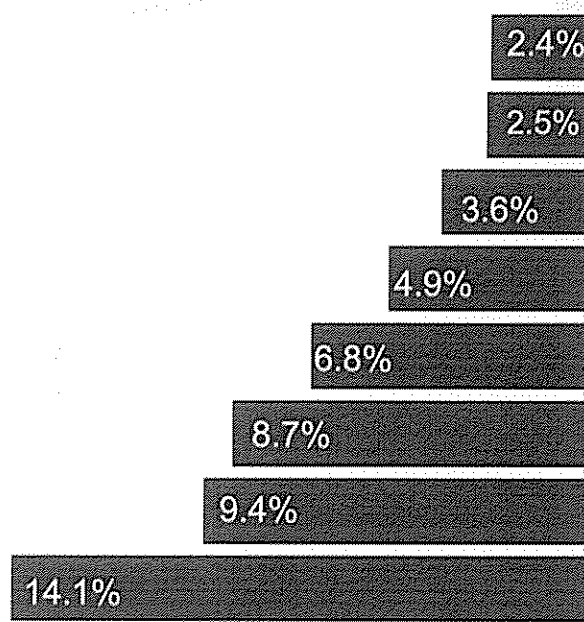
| | % Graduating |
|----------------------------|--------------|
| All Students | 35.3 |
| American Indian | 18.8 |
| Asian/Pacific Islander | 56.5 |
| Black | 12.5 |
| Hispanic | 15.7 |
| White | 48.5 |
| English Language Learners | 7.3 |
| Students with Disabilities | 4.9 |

*Students graduating with at least a score of 75 on Regents English and 80 on a Math Regents, which correlates with success in first-year college courses.

Source: NYSED Office of Information and Reporting Services

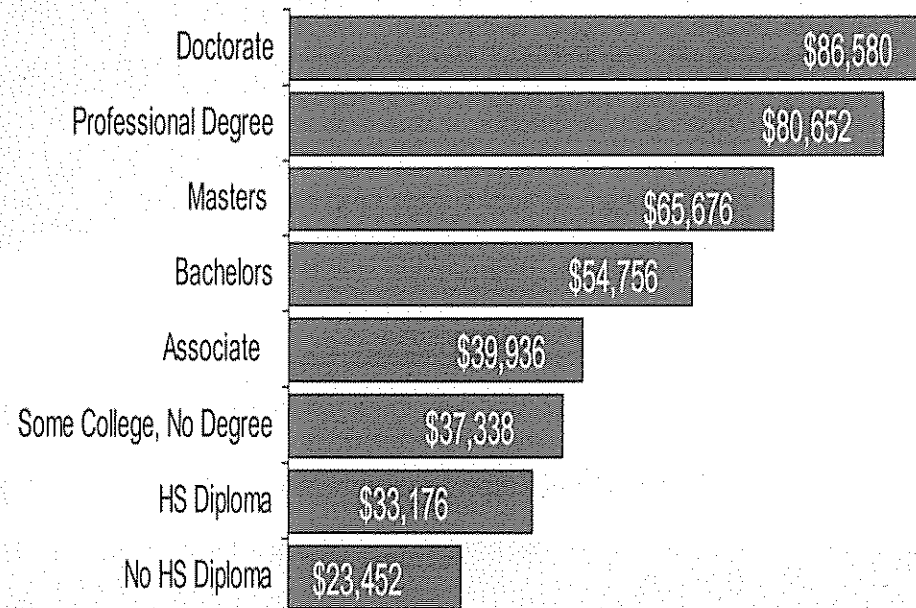
Why Readiness Matters – Earnings and Unemployment

Unemployment Rate By Degree: 2011



Average 7.6%

Median Annual Earnings by Educational Degree: 2011



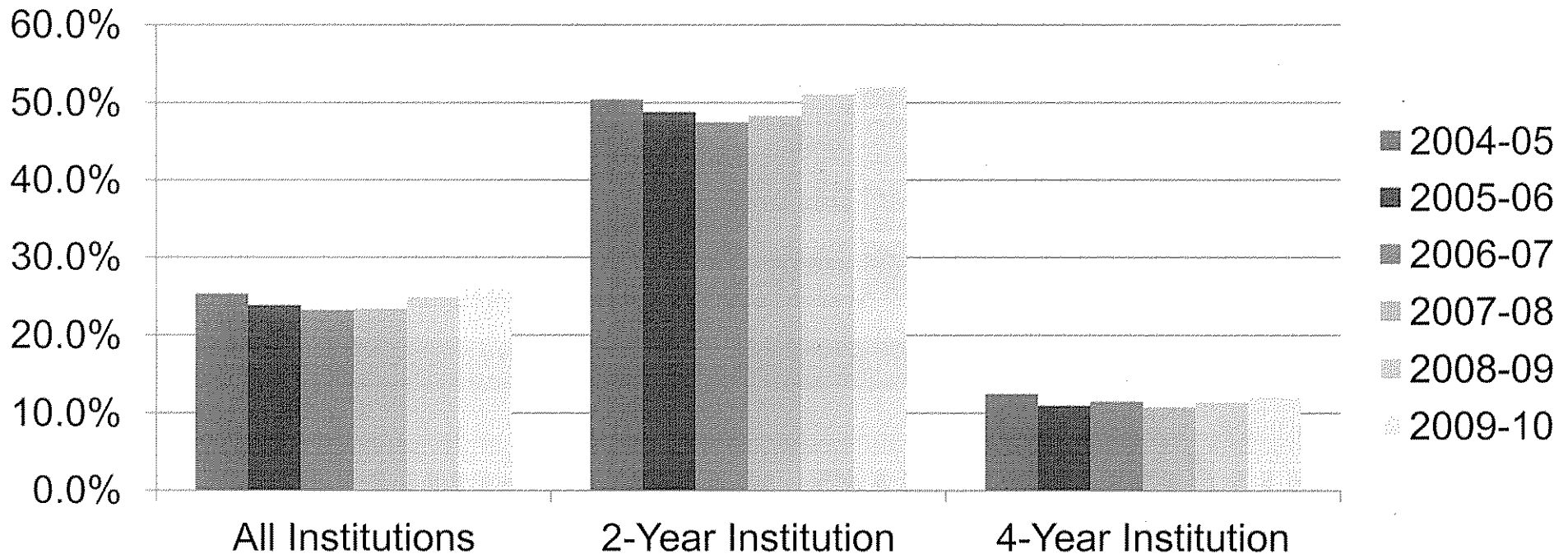
Average \$41,444

Education pays in higher overall earnings and lower unemployment rates.

Why Readiness Matters – College Remediation in NYS

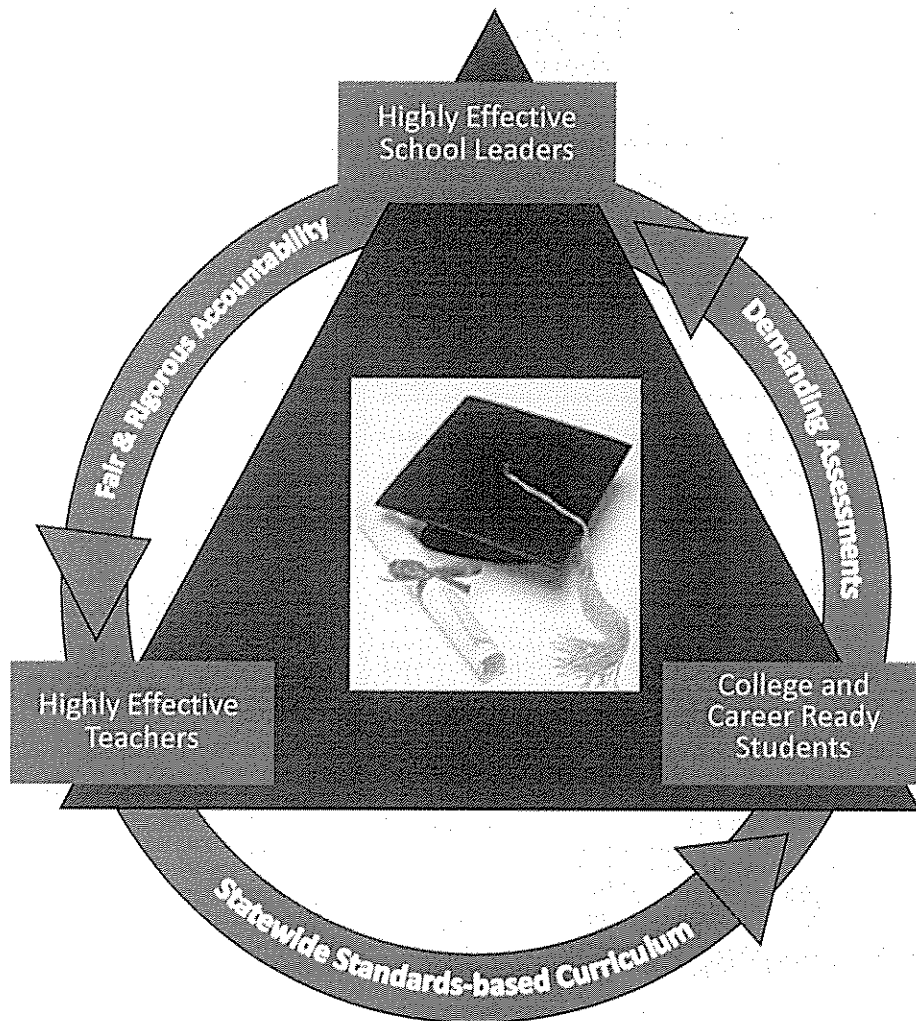
Over 50% of students in NYS two-year institutions of higher education take at least one remedial course.

Remediation Rates for First-time, Full-time Undergraduates



Source: NYSED Administrative Data for all Public, Independent and Proprietary 2- and 4-year institutions of higher education

Regents Reform Agenda



- Implementing **Common Core** standards and developing **curriculum and assessments** aligned to these standards to prepare students for success in college and the workplace.
- Building **instructional data systems** that measure student success and inform teacher and principals how they can improve their practice in real time.
- Recruiting, developing, retaining, and rewarding **effective teachers and principals**.
- Turning around the lowest-achieving schools.

Resources for Professional Development

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Common Core Curriculum & Assessments



Teacher/Leader Effectiveness



Data Driven Instruction



Video Library



Network Teams & Turnkey Training



Parent & Family Resources

New and updated Parent and Family Resources

Network Teams

Home » Network Teams

| Network Team Menu |
|---|
| Network Team Institute: November 26-28, 2012 |
| Network Team Institute: October 10-11, 2012 |
| Network Team Institute: September 12-13, 2012 |
| Network Team Institute: August 13-17, 2012 |
| Network Team Institute: July 9-13, 2012 |
| Network Team Institute: June 5-7, 2012 |
| Network Team Institute: May 14-17, 2012 |

Welcome, Network Teams!

Welcome to the Network Team and Network Team Equivalent (NTE) space – a community built so that network team members can continually access materials, share resources, and connect with one another to drive education reform across New York State. All network team members have access to the Network Team Institute Materials and a robust e-community.



About Network Teams

Network Teams and NTEs are New York State's vehicle for implementing the reforms associated with Race to the Top and the Regents Reform Agenda. They are 3- to 15-person teams, located around the state (about 800 individuals, total), who work in close partnership with districts and schools to build the capacity of New York State educators around our three school-based initiatives: Common Core Learning Standards (CCLS), Data-Driven Instruction (DDI), and Teacher/Leader Effectiveness (TLE).

Each school district in New York State can receive support from its Network Team or NTE to help implement the State's education reforms.

Network Team Institute Calendar

For the dates of upcoming trainings, check the Network Team Institute Calendar. Please note that we will be posting a revised calendar for 2013 by February.

Most relevant and current information, and newest materials highlighted for easy access.



Featured Classroom Resources

- Year-Long Draft Curricular Maps in ELA and Mathematics
- Grades K-12 ELA Curriculum
- Prekindergarten-Grade 8 Mathematics Curriculum
- Common Core Instructional Shifts
- New York State P-12 Common Core Learning Standards



Latest News and Events

- Secure Online Growth Reporting System is Now Available
- Just Released! 2013 Test Guides for ELA & Mathematics
- NYS Common Core K-8 Social Studies Framework is Now Posted
- Common Core Resources Have a New Look!
- Commissioner's Teacher Advisory Council Announced



Featured Professional Development Resources

- Secure Online Growth Reporting System
- Test Guides for English Language Arts and Mathematics
- Tools to Guide the Collection of Evidence of Shifts in Practice
- Tri-State Quality Review Rubric and Rating Process
- New York State Common Core Sample Questions

One-stop location for resources and materials to support implementation of the Regents Reform Agenda

Common Core Instructional Videos

Teaching is the Core

Home > Teaching is the Core



Common Core Instruction: Making a Claim Using Two Texts with Similar Themes

Home > Common Core Instruction: Making a Claim Using Two Texts with Similar Themes



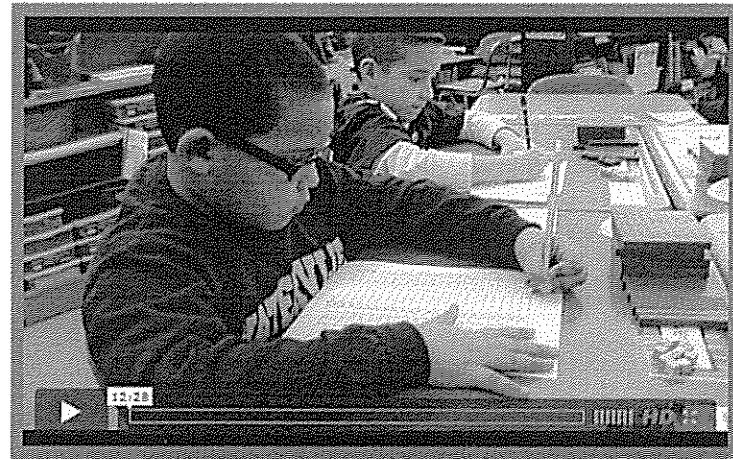
A Portrait of a District Getting Smarter about the Core: Webster Central School District

Home > A Portrait of a District Getting Smarter about the Core: Webster Central School District



Common Core Instruction: Use Modeling and Tools to Solve Three-Digit Subtraction Problems

Home > Common Core Instruction: Use Modeling and Tools to Solve Three-Digit Subtraction Problems



Toolkit for Parent Engagement

Parent's Backpack Guide to Common Core State Standards

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MATHEMATICS

To improve student learning, the new Common Core State Standards are different from the old ones. These changes are called shifts. The chart below shows what is shifting, what you might see in your child's backpack, and what you can do to help your child. Again, if your child's assignments do not reflect the shifts, then talk to your child's teacher.

What's Shifting?

- Your child will work more deeply in fewer topics, which

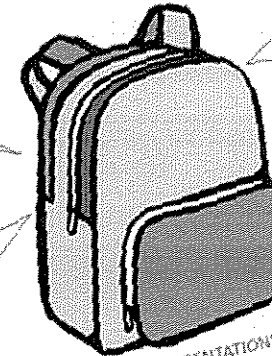
What to Look for in the Backpack?

- Look for assignments that require

What Can You Do?

Backpacks: What you should see

Real-world examples that makes what students learn in English and math make sense



Books that are both fiction and non-fiction

Writing assignments that require students to use evidence instead of opinion

Math homework that asks students to use different methods to solve the same problem

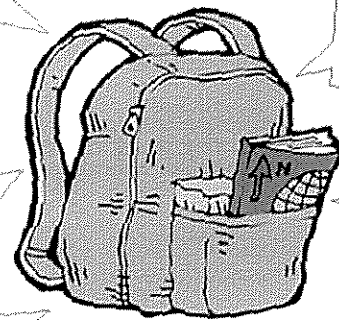
SAMPLE: FULL PRESENTATIONS AVAILABLE ON ENGANENY.ORG

| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
|---|------------------|-----------------------------------|------------------|
| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
| Objectives | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
| Activity: What is college readiness? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
| Explanation of college and career readiness | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |

| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
|---|------------------|-----------------------------------|------------------|
| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
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| Explanation of college and career readiness | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |

| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
|---|------------------|-----------------------------------|------------------|
| What's in the Backpack? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
| Activity: What is college readiness? | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |
| Explanation of college and career readiness | What's Shifting? | What to Look for in the Backpack? | What Can You Do? |

Some questions to ask your



Did you talk about anything you read in class today? Did you use evidence when you talk about what you read?

Did you learn any new words in class today? What do they mean? How do you spell them?

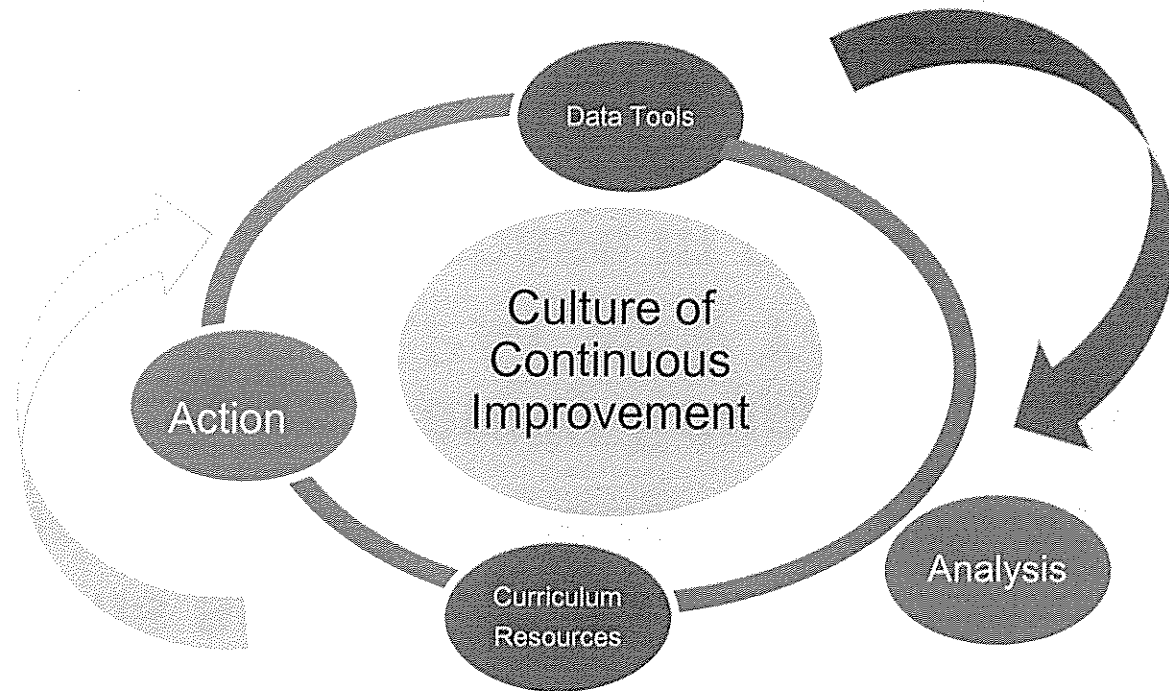
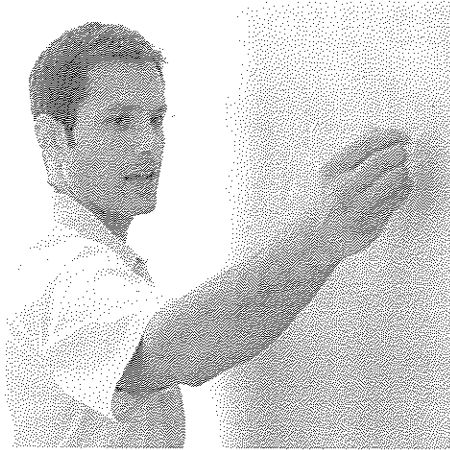
What math problems did you do today? How did you get your answer?

Tell me what you read!

Can you show me an example?

SAMPLE: FULL PRESENTATIONS AVAILABLE ON ENGANENY.ORG

Educational Technology That Supports Teaching and Learning



Existing Data System Practices

- Data systems support our core mission to provide high quality education services
- Consistent with the Family Educational Rights and Privacy Act (FERPA), New York has had a statewide student database in place since 2004 and provides this information to third parties as necessary to meet its program evaluation and improvement responsibilities (e.g., school report cards)

Existing Data System Practices

- Consistent with FERPA, districts and schools provide data to third parties to meet their instructional and organizational responsibilities
 - **Student enrollment and attendance**
 - **School schedules**
 - **Special education service coordination**
 - **School lunch and transportation**
 - **Report cards and transcripts**
 - **Online learning**
 - **Emergency parent contact services**

Existing Data System Practices

- When schools and districts provide their data to third-party vendors of educational technology tools, they are paying twice:
 - **Paying for the vendor's tool**
 - **Paying for data standardization (to make the tool work with local data)**
- Because of this, schools and districts, parents and students have fewer educational technology options and higher costs
- Separate systems are not coordinated, meaning that teachers spend more time integrating data and less time teaching
- Data security and privacy protocols are not standardized across schools and districts

Biggest Risks to data security and privacy right now:

- Student paper records left unattended
- Unattended computer workstations
- Weak passwords
- The same password used over and over
- Lists of passwords left unattended and in plain view
- Student information sent through email
- Computers connected to internet without latest security patches

ENYP: Data Privacy and Security

- Data security and privacy is a primary goal
- Data are shared with third parties only for educational purposes, consistent all federal and state requirements, including FERPA
- Data can only be used for specific contract purposes
- Data are not sold or used for other commercial purposes
- Third parties must maintain rigorous and continuous data security and privacy protections
- Data must be destroyed upon termination of the contract

ENYP: Data Privacy and Security

- ENYP data elements are posted at <http://www.engageny.org/portal>
- These data already being provided to the State
 - Biographic
 - District, school, and course enrollments
 - Program services
 - State assessments
 - Attendance and suspension information
- Schools may include additional local data
- The State does not and will not collect Social Security Numbers

ENYP: Data Privacy and Security

- Statewide data are needed for schools to compare their achievement to local, regional, statewide results
- Statewide data are needed for electronic educational records exchange to support timely services following student transfer
- If districts elect to provide optional local data to the ENYP, they must do so consistent with their local data privacy policies

Data System Enhancements

- Develop services and standards that allow tools to be built to standard (will work “out of the box”) so
 - **Schools pay less for tools**
 - **Schools have more options**
 - **Teachers and parents have access to integrated data and content**
- Develop statewide security protocols for educators, students, parents to ensure only the right people view the right data

inBloom

- Non-profit organization that provides services for data security, storage, access, and transport
- All service standards are open and non-proprietary
- Two levels of protection: intrusion protection and encryption (at rest and in motion). Even in the unlikely event of a breach, the encrypted data would be unreadable and unusable.

inBloom

- Did not create the sharing of data with vendors – that has been happening in New York and across the country for many years
- Provides non-proprietary data services to help make it more secure and more efficient for school districts to do what they are already doing
- Could be replaced with different service providers in the future

inBloom

- Without a similar service, security protocols vary, schools pay more for educational technology tools, and schools have fewer instructional options
- Without a similar service, teachers must spend more time integrating data and less time teaching

Cloud Storage

- Cloud storage means that data are stored on computers in shared data centers
- Best-in-class cloud storage is likely more secure than data stored on school or district computers with fewer resources for privacy protection
- ENYP requires that all cloud storage comply with the federal FedRAMP security standards

Cloud Storage

- States/districts retain ownership of all stored data
- Local and State data are separated from other states and districts (there is no national database)

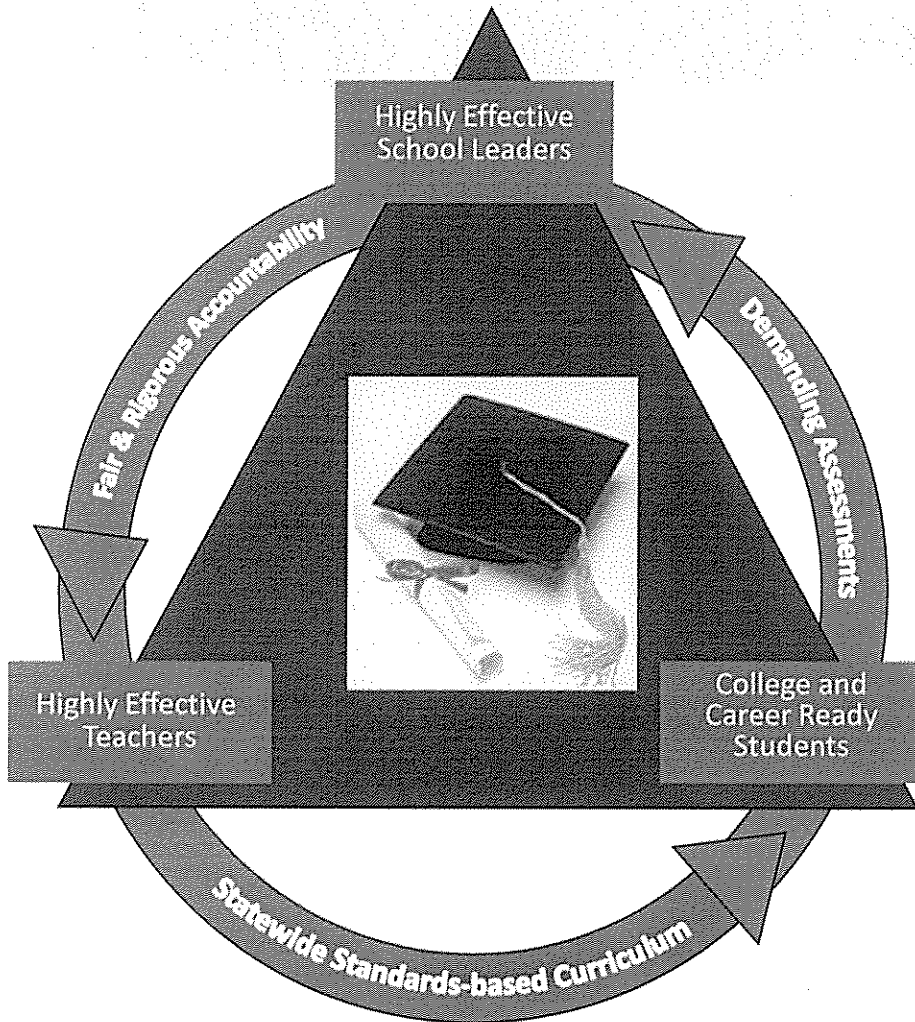
Educational Technology - Guiding Questions

- Can educational technology tools help support teaching and student learning?
- Can we invest in a system that provides districts and schools with more options at lower costs and allows them to improve the system to meet local needs?
- How do we improve data security and privacy protocols when districts, schools and BOCES/RICs contract with third party educational technology vendors?

Goals of the EngageNY Portal:

- Secure and private data tools for educators, students, and families
- Easy access to Common Core curriculum and instruction resources (EngageNY.org)
- Online communities for educators
- Ability for LEA's, BOCES, NYSED, or third-parties to more effectively improve and add to the system following initial State investments

Regents Reform Agenda



- Implementing **Common Core** standards and developing **curriculum and assessments** aligned to these standards to prepare students for success in college and the workplace.
- Building **instructional data systems** that measure student success and inform teacher and principals how they can improve their practice in real time.
- Recruiting, developing, retaining, and rewarding **effective teachers and principals**.
- Turning around the lowest-achieving schools.

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Thank You.



EngageNY.org

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/2013

(PLEASE PRINT)

Name: Santos Crespo Jr.

Address: 125 Barclay Street

I represent: Local 372 - NYC Board of Ed

Address: Employees

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Enrique Lopez on behalf of Senator Brad Hoylman

Address: Senator Brad Hoylman 322 8th St, St 1700

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30

(PLEASE PRINT)

Name: John C. LIU

Address: _____

I represent: NYC comptroller

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1768-A Res. No. _____

in favor in opposition S 5932

stop Indbom Date: 9.30.13

(PLEASE PRINT)

Name: Lisa Shaw

Address: 125 W 110 St

I represent: parent of IEP students.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1768-A

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Gloria Corsino

Address: 2787 Schley Ave #3A Bx N.Y. 10465

I represent: CD75 council

Address: 400 1st Ave 7th Fl N.Y. N.Y.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nicolas Storelli Castro

Address: 89 Washington Avenue Alley

I represent: NYSED

Address: 89 Washington Avenue Alley

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

Name: *Nehreke the Highppkin*
(PLEASE PRINT)

Address: _____

I represent: *Charca/Hor Parent-Adviser*

Address: *COUNCIL*

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: *Catherine M. Hughes*
(PLEASE PRINT)

Address: _____

I represent: *CB1*

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

Name: *Karen Sprowal*
(PLEASE PRINT)

Address: *631 Edgemoor Ave, #2B NY NY*

I represent: *A.S. 75*

Address: *District 3*

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: 9/30/2013

(PLEASE PRINT)
Name: Ellen Mc Hugh
Address: 185 Marine Ave Apt 2E 11209
I represent: _____
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)
Name: Leone Wainson
Address: 124 W 4th St
I represent: Class Sre matters
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ken Wagner

Address: Allan, NY

I represent: New York State Ed Department

Address: 89 Washington Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Joseph Mugivan

Address: 1 PO Box 1561 Port Washington, N.Y. 11052

I represent: Teachers + kids

Address: _____

Please complete this card and return to the Sergeant-at-Arms