



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

## Addabbo Votes to Advance Legislation to Better Protect Privacy of Student Records and Assess Effectiveness of “Common Core” Testing

JOSEPH P. ADDABBO JR January 27, 2014

| ISSUE: **EDUCATION**

*Queens, NY (January 27, 2014):* At a January meeting of the Senate Education Committee, NYS Senator Joseph P. Addabbo, Jr. (D-Queens) voted to approve two pieces of important legislation: one to protect the privacy of student and educator records (S.6007) and another that would require a comprehensive analysis of the effectiveness and fairness of the controversial new “Common Core” assessments (S.6009).

“The ongoing debate about the implementation of the new Common Core federal learning standards in New York State has served to ignite great concern about a variety of related education issues, including the security of personally identifiable information about students, teachers and principals that will be gathered as part of this initiative,” said Addabbo, a long-time member of the Senate Education Committee. “With a variety of third party vendors having access to this data, we need to take action to ensure that the information is secure and doesn’t become compromised – exposing students, educators and families to identity theft and other privacy-invasion crimes.”

Under the bill seeking to increase privacy protections, which is co-sponsored by Addabbo, New York State would create a new position of Chief Privacy Officer (CPO) within the State Education Department to oversee and develop effective methods of ensuring the privacy

and security of student, teacher and principal data. The CPO would also develop a “Parental Bill of Rights” to govern third-party contractors with access to student data, which would include information about those who are able to view the data; the disposition of data when a contract ends, and how to challenge data inaccuracies.

In addition, Addabbo noted, the legislation would create state penalties for data breaches and the failure of a contractor to report when personally identifiable information – including names, phone numbers, birth dates, home addresses and e-mail addresses – has been compromised. “Under the federal Family Educational Rights Privacy Act (FERPA), the only real penalty imposed on a contractor who misuses or otherwise compromises personal information is a five-year prohibition against doing this kind of work with the particular school district,” Addabbo said. “That’s not sufficient. The legislation I am backing would set fines of up to \$150,000 for failing to report an information breach, and a variety of other administrative penalties for failing to ensure the security of data.”

The bill would also permit school districts to opt out of having the student information they are required to submit to the State Education Department (SED) included in the Department’s pending Education Data Portal (EDP). “While school districts will still be mandated, under state and federal regulations, to share certain information about students, teachers and principals with SED, they could choose not to have it uploaded to the central data bank,” Addabbo said.

The other legislation supported by Addabbo, which addresses the efficacy of the Common Core standardized tests that would be associated with the new learning standards, would require the State Education Commissioner to provide a comprehensive report to the Governor and Legislature regarding the assessments. “Among other aspects of the assessments, the State Education Department would need to examine whether they are fair, unbiased, grade-level appropriate, and whether they are properly administered,” said

Addabbo. “The review would also determine how the assessment results compare to student grade point averages, and see how test scores are affected by socioeconomic, gender, race, ethnicity and regional factors.”

In addition, the “truth in testing” legislation would enable the state to determine the effectiveness and track record of vendor agencies administering the tests, decide whether to change those vendors or otherwise choose a new entity to oversee the assessments.

“Student data privacy, the overall implementation of Common Core, teacher and principal evaluations and a host of other extremely critical educational issues are already on the front burner in Albany for consideration,” said Addabbo. “I look forward to continuing to hear from my constituents on these policies and other issues of concern to them in the days, weeks and months to come in the 2014 legislative session.”