

House Education Committee

Regarding HB 4062

I am writing to support HB 4062 and the protection of student private information and access by parents. There is a lot in the news of the abuses and data mining student information that goes way beyond the student's education. There are cases of directly and indirectly asking students about their family practices, income, behaviors, political activities, and religion. The Oregon Legislature is wise to take a proactive move to protect our students of such zealous acts violating our personal privacy.

I'd like to address Mr. Saxton's objections to this bill and caution the committee to his ulterior motive.

(3)(d) Require that personal identifying information collected about a student and retained in the student education record be only used for the educational benefit of the student.

"and violates Oregon's waiver from federal No Child Left Behind act requirements as the state pledged to create a longitudinal database, and hinders ODE and local districts from evaluating schools, districts, and programs."

The longitudinal database to measure changes is still authorized within the school to benefit the child's education. As has been done for years, a collective average by grade has been reported to the state for evaluation of the school's progress. There is no reason for individual data to be collected outside the school. Matter of fact, what Mr. Saxton suggests is in violation of Title 34 that he quotes for the emergency exception. The waiver cannot illegally violate Title 34, and the federal government cannot legally withhold funding as has been in the news.

(3)(f) Prohibit the disclosure of student personal identifying information to individuals who are not directly responsible for the student's education program.

"FERPA protects individual information distribution to within the educational institution for educational purposes, except for the safety and health reason and only in the event of an emergency. This provision would curtail the role of research in analyzing the overall success of education programs. This could significantly impact the ability of ODE and OEIB to evaluate the success of initiatives and programs to support the 40-40-20 goal."

Section (3)(f) is what FERPA, title 34, says so to object is nonsense. Mr. Saxton first quotes FERPA and then wants an exception for ODE and OEIB, which doesn't need individual private student information to evaluate the progress of the 40-40-20 goals.

(3)(g) Prohibiting the collection of student personal identifying information for general educational research or program evaluation purposes.

"Many federal grant programs require that educators track how well the program succeeded in better educating students, and require evidence of this."

Program evaluations on how students respond or improve due to a program is nothing new. Such results are measured by setting a baseline comparing it to the baseline evaluated at the end of the program. These programs are very careful not to individually identify students when evaluating the

results. My daughter did such a study for her doctorate in school psychology. None of the personal information collected to evaluate the program left the school nor did it need to. To suggest that individual private information must be allowed to leave the school is again in violation of Title 34.

(3)(i) Require that student personal identifying information be removed from the student education record when the student personal identifying information is no longer needed for the purposes of preparing the student's education program, application for employment or application to a post-secondary institution.

"This provision violates federal FERPA law and state public records law as it destroys part of the student record. It is also unclear at what point the record would be destroyed. Transcripts are often requested by adults who decide to go back to school at a later age."

Mr. Saxton is making a case that isn't so. Section (3)(i) only refers to personal identifying information. A student's transcript does not include this type of private information. Even under Oregon law, a misdemeanor record can be destroyed after three years.

(3)(j) Permit an educator or school administrator whose performance is evaluated using student information contained in a student education record to view the information used for purposes of the evaluation.

"The provision reduces student privacy and as worded may violate FERPA as this is not a specified allowable disclosure of student records. For example, a student's status as homeless would not ordinarily be accessible by a teacher and may be something the student wishes to keep confidential."

I believe the intent to (3)(j) is to give the teacher an opportunity to defend against student complaints. There would be no reason to use "homeless" or other personal records of a student to evaluate a teacher. It would also prevent the use of student personal information in the evaluation of a teacher, which should not occur.

(8) Using the standards adopted under this section as guidance, the department shall issue a privacy risk assessment of any data system, program, or contract involving student education records.

Mr. Saxton exaggerates what this section would require. It could be done with an evaluation form for schools to complete for each of the programs.

I ask you to make the emergency exception to (3)(b) and retain the rest of the bill as a measure to protect our students and the overreach of Mr. Saxton's administration. As I have pointed out, he has not presented his case to change much of the bill.

Thank you for doing the right thing for our students and families.

Donna Bleiler

Administrator
Radical Moms of Oregon