

By Chris Neidenberg

In a letter to parents, the school district has acknowledged federal law was broken through the release of student names and addresses about a year ago to METS Charter School, but assures the breach was inadvertent, and offered parents free identity theft insurance for one year.

But, after district spokeswoman Maryanne Dickar, chief of staff to Superintendent of Schools Dr. Marcia Lyles, told a WPIX-TV reporter in June the matter might be referred to the Hudson County Prosecutor's Office for a criminal investigation, the district has since tried explaining the data breach by insisting METS was simply ignorant of the law.

And while charters receive the bulk of their funding from city taxpayers through the school budget and are classified as public schools under state law, the local school boards where they operate have no say over how they are run. The charters are exclusively approved and sustained (or revoked) by Commissioner of Education David Hespe. Thus, legally, all charters are separate entities from the public school districts hosting them.

Lyles earlier advised parents she had consulted with the state education department, which also controls part of her district, before deciding how to address rectifying the METS controversy.

The district's admission that it allowed METS access, enabling the charter to secure the names, prompted it to extend an olive branch by offering parents free enrollment in the identity protection program offered from All-Clear ID through two service levels, effective as per the three-page letter School District Attorney Hope R. Blackburn provided parents Sept. 12.

The letter does not explain how the names were, technically transferred via software to METS.

In recently seeking information as to if the matter was resolved JCEA.org initially received the same letter Dr. Marcia Lyles sent parents in June, assuring them that the breach and the circumstances surrounding it would be thoroughly investigated for a report the district would provide around the start of the new school year - which it previously provided JCEA.org in response to a request filed under New Jersey's Open Public Records Act.

Then, unsolicited, the district provided us the update to its probe in late December by furnishing the September correspondence to parents announcing the result of Lyles' investigation.

"During the school district's investigation into the matter, METS representatives advised that they had accessed the school district's database in order to obtain the students' names and addresses."

The letter continues, "It does not appear, and METS has represented, that the charter school did not access any additional information."

While the parents are told the district only believes names and addresses were released (but not Social Security numbers), the district raised the possibility that some parents might have still suffered financially due to the breach (the reason the district is offering one-year free All-Clear ID service).

The Federal Education Records Protection Act, created in 1974, states that "a school district cannot generally release personally identifiable information from a minor (under 18) student's educational records to a third

party, unless the student's parent provided written consent." The law even contains a petition that allows aggrieved parents to petition the U.S. Department of Education to investigate offending school districts.

Blackburn's letter also noted, "In addition, as a public school in New Jersey, METS is prohibited from disclosing any student information, notwithstanding the above, the school district obtained copies of the student lists from METS and has worked with the school district."

Further, residents are informed that, in offering All-Clear ID service over the period, those registered should call 856-979-2595 "and a dedicated investigator will do the work to recover financial losses, restore your credit and assure your identity is returned to its proper condition."

A representative of METS did not return phone calls seeking comment.

New Board Member Joel Torres, leader of the parents' group which forced action, said, "I am personally satisfied the matter is resolved, and I can assure parents that, as a board member, I will work to try making sure this never happens again."

Torres said that, while 10 to 15 parents had attended periodic meetings with district officials on the issue, "All parents names and addresses, throughout Jersey City, had their children's identities exposed."

If METS, which stresses science and technology subjects and is located on Sherman Avenue, tried to recruit a select group of students through the improper marketing, state law bars that given all admissions to charters are done through random lottery, without regard to student or athletic ability.

N.J.S.A. 18:36A-7 states, "A charter school shall be open on a space-available basis and shall not discriminate in its admission policies or practices."