

CDC has been given access to students' school records

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WASHINGTON — The Centers for Disease Control and Prevention has been going through student records in Atlanta-area school systems for years despite laws that prohibit virtually anyone but education officials from reading the documents, The Associated Press has learned.

The U.S. Department of Education granted the CDC access to the records to study developmental disabilities. An agreement was signed Dec. 11, 2000, and both sides say it was actually an extension of a 1991 arrangement.

The schools were selected as a test group because of their diverse populations and proximity to CDC's headquarters. Health officials say the studies provide the only reliable method of tracking autism, cerebral palsy, mental retardation and other impairments in children.

"Generally when we do surveillance we try to do it on the total population," said Colleen Boyle, director of the CDC's Division of Birth Defects and one of three officials who signed the 2000 agreement. "If we only have a select group or non-representative group, then we really can't talk about what's going on in the community or population."

Pat Bowers, spokeswoman for Atlanta Public Schools said CDC researchers can review only certain records and must leave the names and any other identifying information out of their report.

Although few seem to be arguing against the scientific usefulness of the research, the method is worrisome to American Civil Liberties

Union officials who say they didn't know private student records were being reviewed without telling parents.

"The government has no business rooting around in people's medical files," said Barry Steinhardt, director of the ACLU's program on technology and liberty. "This is the worst sort of overbearing government that thinks they have the right to check out our most sensitive information without consent. It's extremely disturbing and raises serious constitutional issues."

But Boyle and school officials say the research is legal and respects the privacy of each student.

At issue is the Family Educational Rights and Privacy Act, which says a child's health and education records must remain confidential with few exceptions. One exception allows an authorized representative of the Department of Education to review the records, and the agreement essentially gives CDC that title through 2005.

A measure pending in Congress would make the arrangement permanent. The bill, sponsored by Rep. Mike Ferguson, R-N.J., aims to revise the Birth Defects Prevention Act and, as one of its provisions, would grant CDC access to student records for research purposes.

Because the last agreement between the Department of Education and CDC was signed under the Clinton administration, it's not clear whether the Education Department — under new leadership — could pull out. Spokesman Jim Bradshaw said officials have reviewed that possibility since learning of the agreement.