



May 30, 2013

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Dear Michele, Dear Stacey:

When you asked me to join the Governance and Organization Technical Advisory Group to the Shared Learning Collaborative (SLC), I agreed because I saw it as an opportunity to advocate for teacher voice, privacy assurances and careful oversight of the involvement of for-profit companies—many of the same concerns now being raised by parents and teachers across the country—in an ambitious new effort to make instructional data more accessible to teachers and other educators in support of student learning. Now, inBloom has been launched from the work of the SLC and has begun operation as an independent 501(c)(3). While I hope the positive potential to improve and personalize learning through inBloom services remains, it is being overshadowed by a growing lack of public trust in its early communications and operations, and by genuine concerns about the security, privacy, sharing and exploitation of data.

The concern we have heard most is about the attachment of students' names, addresses, Social Security numbers or other identifying information to data, as opposed to attaching only characteristics that are not uniquely identifiable. Also of great concern is the security of such large and sensitive sets of cloud-stored data. What's more, there is a lack of clarity around the purposes and nature of sharing data across district and state boundaries, as the inBloom platform allows, and whether private vendors can benefit financially. Add to all this the changes to the Family Educational Rights and Privacy Act (FERPA) that have liberalized third-party data access, and it is little wonder that educators and parents are concerned about the implications of data storage and sharing and want a say in how their and their children's data are used and by whom.

American Federation
of Teachers, AFL-CIO

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The AFT has ongoing concerns about access and privacy stemming from the 2008 and 2011 changes to FERPA regulations, and the issues we describe here do not apply uniquely to inBloom. But as the first multistate educational data effort of its kind and scope, we must ask the right questions of inBloom right now. I am raising these questions to both of you, given your roles as funders who initiated the creation of inBloom and as current members of its board of directors.

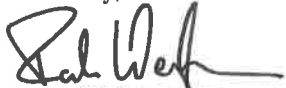
- What are inBloom's plans to charge states for use of its cloud-based data repository?
- What are inBloom's plans to charge vendors for access to student data? What is the level of disaggregation of the data vendors have access to? Can vendors access personally identifiable information?
- How is inBloom assuring that there is no unauthorized access to personally identifiable data? How is authorized access determined at vendor, state, district and school levels? What additional privacy limitations and assurances does inBloom plan to attach to data beyond the differing limitations applied by states and districts?
- Among the dozens of pages of potential data fields are specific health and disability data that, in other uses, would require specific parental consent for access under the Health Insurance Portability and Accountability Act (HIPAA) regulations. How is this being addressed?
- What is the current implementation status of the Phase I pilot states? What is planned for Phase II, and what states have committed to participation?
- Some experts have expressed concern over cloud-based storage of sensitive data. How secure is this approach compared with other methods?
- Much attention has rightly been focused on student data, and little has been said about personally identifiable teacher data in relation to student characteristics and performance. The same concerns outlined above about access, sale and authorized use are relevant to teacher data, with the added issues related to evaluation and licensure reciprocity.

In addition, I urge you to consider measures and structures that would build confidence in inBloom's intentions as well as strengthen and inform its efforts. Two examples would be: (1) to hold public forums, initially in the Phase I states where the questions and concerns are most apparent; and (2) to create a committee to establish guidelines related to the use of teacher data and its relationship to student data. Such a committee should, of course, include practicing teachers.

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Lastly, as you know, I was dismayed about the way the Governance and Organization Technical Advisory Group was positioned and described on the inBloom website. I note that has been addressed and a more appropriate placement and accurate description are now in place. I appreciate your previous efforts to strengthen and clarify inBloom's privacy policies and practices as well as your prompt attention to these important matters, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Weingarten". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randi Weingarten
President

RW : MUK mbw opeiu#2 afl-cio