

# CROSSING IDEOLOGICAL BOUNDARIES TO PROTECT STUDENT PRIVACY AND PARENT RIGHTS

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# Recent victories against privatization of schools due to coalition building

- GA Governor's "Opportunity District" to take over, close and charterize low-performing schools through constitutional amendment
- Local School boards, teacher union and parents working together defeated referendum in Nov. 2016 –60%-40% vote
- MA defeat last fall of their referendum to raise the charter cap – union, parents and school boards again working together
- Defeated by 62% to 38%

# Different kind of privatization also wrecking havoc in public schools

- Huge push by ed tech industry, government, foundations and advocacy groups they fund to privatize
- Through outsourcing instruction, behavior management, and assessment to for-profit vendors selling classroom apps
- In some cases, states and districts are being offered classroom apps for free – but will be charged later either in fees or from 1<sup>st</sup> making profit through the monetization of valuable personal student data

Is this the goal of the corporate reformers?



# What about FERPA ?

- *Family Educational Rights and Privacy Act*, federal law passed in 1974, required parental consent before schools could disclose personal data in student educational records.
- FERPA regulation weakened by US Dept of Ed in 2008 and 2011.
- In 2008, regulations rewritten to allow states, districts or schools to share student personally identifiable information (PII) with any 3<sup>rd</sup> party performing operational services, who could be designated as a "school official."
- This included "*contractors, consultants, volunteers, and other parties to whom an educational agency or institution has outsourced institutional services or functions it would otherwise use employees to perform.*"

# FERPA revision part II

- In 2011, FERPA regulations revised again to allow personal student data disclosed to “*authorized representatives*” to conduct studies, evaluations or audits of the effectiveness of an education program.
- Any organization or individual could be defined as “authorized representative” and get access to student personal data.
- Previously, “authorized representatives” were individuals over which educational authorities had “direct control,” such as an employee or a contractor.

# Obama administration accelerated data collection & sharing

- In 2009, US Dept. of Education required states to develop longitudinal student data systems (LSDS) in return for stimulus funds
- Goal: to combine student data with health and medical information, juvenile justice, child services – to track children “cradle to the grave.”
- Race to the Top: states were got points as to how comprehensive their LSDS were, and how much states and districts used this data “to improve instruction”
- Feds also helped develop Common Education Data Standards so states could format and systematically share data across agencies, states and with vendors
- CEDS has more than 500 data pts; health, disability info disciplinary and arrest records, socio-emotional skills, and detailed family background.

# Future Ready Schools

- The US Department of Education launched campaign called Future Ready Schools with [Alliance for Excellent Education](#) Gates-funded organization --to encourage more digital instruction and assessment
- *“Future Ready Schools is a comprehensive effort to maximize digital learning opportunities and help school districts move quickly toward preparing students for success in college, a career, and citizenship.”*
- Over 3100 Superintendents took the “Future ready” pledge to transition to digital learning –”to transform teaching and learning using the power of technology to help drive continuous improvement”.
- “How much time will it take for the district to complete the transition to digital learning? ***The truthful answer to this question is that a district will probably never be “finished.”*** “



# US ED promoted specific ed tech products like Edgenuity

## Rhode Island School Makes Learning “Personal” for Students



Students get some face-to-face help from a teacher in the Village Green Virtual School Learning Center. Photo Credit: Village Green Virtual School.

*Students move at their own pace toward mastering standards and college and career readiness.*

Picture this. Sarah, a 10th-grader, is in the learning lab finishing up an assignment on Julius Caesar. She has one more test and a final to pass before she moves on to 11th-grade material. She can take the tests whenever she feels ready. She can then shift her attention to mathematics, where she is several assignments behind.

### Online Platform Allows for Self-Paced Learning

Village Green uses an online curriculum, called “[Edgenuity](#),” which allows students to move through assignments at their own pace. Every student has a workstation where they log into their own personal Edgenuity portal and choose what to work on. Students take frequent tests and quizzes, and complete practice assignments. A data dashboard displays skills they’ve already mastered in green, those they are on track to master in blue and those they are struggling with in red.



## PROGRESS

Teachers, Leaders and Students Transforming Education

A blog highlighting innovative ideas, promising practices, lessons learned and resources informed by the implementation of K-12 reforms to improve education for all students.

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# Gates Foundation gets into the business of data collection and sharing

- In 2013, Gates Foundation launched a project called the Shared Learning Collaborative with more than \$100 million
- SLC designed to collect personal information of public school students – to format data & share with for-profit data-mining software companies for the purpose of outsourcing evaluation, instruction and assessment
- Detailed personal data to include student names, addresses, grades, test scores, detailed disciplinary and disability information and more.
- in March 2013 the SLC spun off as a separate corporation in Bloom Inc. – with 9 states and districts as initial “partners”, & pledged to add more

# In little over 13 months, inBloom collapsed

- How did this happen?
- Parents in the 9 states and districts partnering with inBloom protested to their school boards, legislatures and State Commissioners
- In JeffCo schools – the single inBloom district in CO – controversy helped contribute to turnover in the school board elections and the resignation of the Superintendent.
- NYS was the last “partner” to pull out in April 2014, and shortly after, inBloom closed its doors.

# How did we defeat inBloom in NYS?

- NY commissioner John King was absolutely committed to inBloom and refused to pull out even after every other state had done so.
- He faced furious parents who brought this up in every town hall meeting and fought a lawsuit.
- NY legislature is very divided – with GOP controlling Senate, Dems the Assembly, and a Gov. who straddles ideological lines – especially on education.
- We worked with parents of all political persuasions and many of no political affiliation at all – who were irate that their kids' personal & highly sensitive data would be given over to corporate hands.
- Dem Assembly member who sponsored our bill was stopped by GOP members in the hallway – begging to sign on; for first time ever.

# What have we learned?

- inBloom tip of the iceberg. Data-mining software companies & their allies in foundation/gov. sectors see huge potential & profit in putting education/assessment online.
- Education tech market estimated at \$7.9 *billion*, over \$90 billion globally.
- Feeds off narrative that our education system is “failing” or “broken”; needs “disruptive” change.
- Ultimate goal to eliminate the need for human teachers as possible in favor of computers and software
- Euphemistically called “personalized learning” but really de-personalized learning – to standardize instruction, assessment and behavior management thru software programs & machines.

# Nationally we worked with several conservative groups

- Allies in our battle vs. inBloom and for student privacy included some very conservative advocacy groups
- Some of our allies included advocates at American Principles Project, Heartland Institute, and Cato Institute.
- They were far more passionate and helpful than most of the so-called “liberal” groups –many of which are funded by Gates and advocate for more data-collection and online learning.
- We continue to work with conservative groups in our Parent Coalition for Student Privacy founded after inBloom’s collapse

# Working with conservative allies Part II

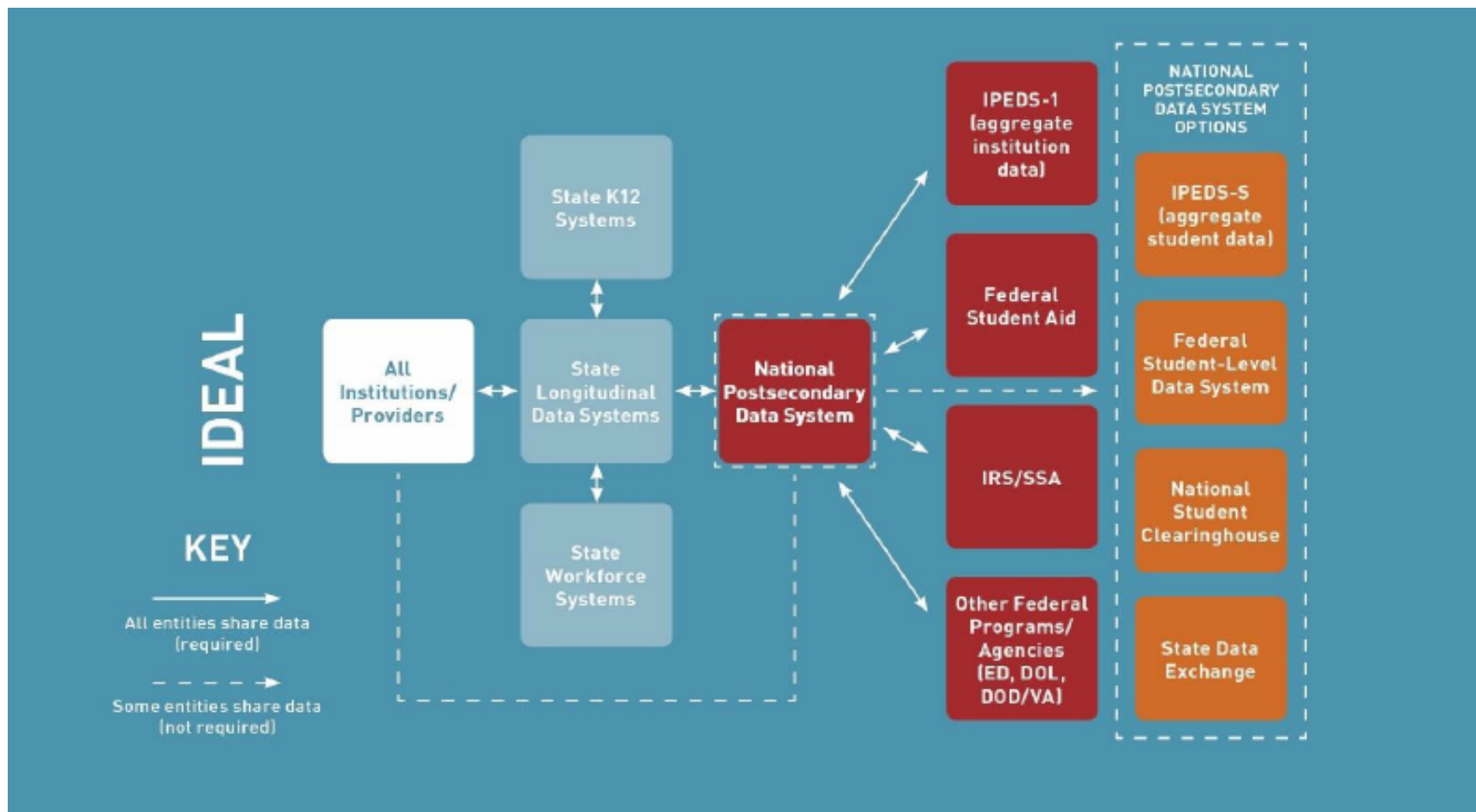
- Our co-chair Rachael Stickland was invited to testify by GOP leaders before the House Education & Commerce Committee on need for student privacy
- We came out with a Parent Toolkit for Student Privacy this week that has been endorsed and promoted by some of these conservative groups
- In general conservative groups are very resistant to federal overreach
- Some of these groups opposed DeVos appointment and Trump's goal to expand vouchers as conflicting with local control

# Gates Foundation not giving up new goal: to expand federal collection of data

- Currently comprehensive collection of student data by federal govt – called a “student unit record system” – was banned by Congress through amendment to Higher Ed Act in 2008
- Gates Foundation and its funded groups pushing to overturn this ban to allow feds to track students from birth onwards for purposes of research and “accountability”
- Top priority of Foundation this year: to *“create a national data infrastructure that enables consistent collection and reporting of key performance metrics for all students in all institutions that are essential for promoting the change needed to reform the higher education system to produce more career-relevant credentials”*



# Gates Foundation vision of an ideal comprehensive federal student database



Gates Foundation: Postsecondary Success Advocacy Priorities, Sept. 2016 at <http://postsecondary.gatesfoundation.org/wp-content/uploads/2015/03/PS-ADV-Priorities-V1.pdf>

## This week bill proposed in Congress to create a federal database for all college students

- Linking college student records to future employment, military, and IRS/ SS/ Dept. of Labor income data,
- Allows for student data to be inked to even more data in more federal agencies thru decision by NCES Commissioner
- Co-sponsored in Senate by Sens. Bill Cassidy, R-La., Orrin Hatch, R-Utah, Elizabeth Warren, D-Mass., and Sheldon Whitehouse, D-R.I
- Companion bill in House by Reps. Paul Mitchell (R-Mich.) and Rep. Jared Polis (D-Colo.)

# We have many concerns about this bill

- So far it prohibits linking to K12 data -- which is good – but leads to other questions
- How will student outcomes & college success be judged without taking into account whether they accept struggling students – rather than just rewarding most selective?
- Should we be judging schools only on future jobs and income of graduates rather than more holistic measures?
- Opening a can of worms in making these accountability judgements – just as in rating K12 schools that often labels schools with most at-risk, high-needs kids as low-performing & shuts them down.

# Though this is being pitched as helping parents and students ...

- We haven't heard any of them clamoring to have their college records and careers tracked by feds
- In UK similar database promised to be solely for research, was used by Home office to try to identify immigrants
- Could lead to every adult who ever attended college having a dossier of federal records that could be breached or abused.
- FAFSA tool breach – exposed IRS records of 100,000 taxpayers
- Again our strongest allies in conservative movement, including very right-wing chair of House Ed committee Rep. Virginia Foxx