**TESTIMONY OF JANE ROBBINS**

Senior Fellow with the American Principles Project

* **The Common Core scheme threatens student, family, and teacher privacy.**  Federal statute prohibits the U.S. Department of Education from maintaining a national student database, but by persuading the states to build such databases, and then changing the Family Education Rights and Privacy Act after the fact, the Administration has evaded this prohibition and provided a pathway for personally identifiable student data to be shared across state lines and between federal government agencies.
* **Data to be shared includes very intrusive parameters** such as health-care history, disciplinary record, family income range, family voting status, and religious affiliation – over 400 data points in all.
* **Common Core and its assessments are an essential element in this data sharing**. SMARTER Balanced Assessment Consortia is obligated by its agreement with the U.S. Department of Education to give the Department “**student-level data”** that results from the testing system. This student-level data must be made available “on an ongoing basis for research, including for prospective linking, validity, and program improvement studies . . . .”
* **The public is unaware of this intrusion on their child’s privacy.** Not only will parents have no right to object to this sharing of their children’s data, they probably will never even know it happened.
* **Threats to teacher privacy.** Teacher evaluations will be tied to some degree to student assessment scores. The entire evaluation process included in the NCLB waivers is software driven which means that completed teacher evaluations will now be included in the state created and shared database.

**TESTIMONY OF JANE ROBBINS**

**MISSOURI HOUSE COMMITTEE ON DOWNSIZING STATE GOVERNMENT
MISSOURI SENATE EDUCATION COMMITTEE**

**March 6 and 7, 2013**

Mr. Chairman and members of the Committee:

My name is Jane Robbins, and I am a Senior Fellow with the American Principles Project. The purpose of APP is to help restore our nation’s founding principles with respect to state sovereignty and individual rights and, especially in the area of education, parental rights. I appreciate the opportunity to address the Committee today on SB 210 and HB 616.

I will focus my remarks on the dangers of the data-collection and data-sharing scheme that is part of the Common Core structure.

**The Common Core scheme threatens student, family, and teacher privacy.**  A particularly troubling component of the Common Core Initiative is its connection to the collection and dissemination of personal student data (and certain teacher data as well). Progressive educators and bureaucrats have long advocated sweeping national control over education as (among other things) a means of tracking American citizens, for various purposes, throughout their lives.

An essential element of this tracking system is the construction of massive student data systems, so that individuals can be followed through school and beyond. But a federal statute prohibits the U.S. Department of Education from maintaining a national student database. The Administration has discovered a way to evade this prohibition: Persuade the states to build the databases, and then change the law so that the data can be shared.

 The 2009 Stimulus bill created a fund that could be accessed only by states that agreed to build broad state longitudinal data systems (SLDS) to collect data on public-school students. To be eligible for Stimulus money, all 50 states agreed to build an SLDS. The U.S. Department of Education intends these data systems to “capture, analyze, and use student data from preschool, to high school, college, and the workforce.” It’s essentially the lab-rat view of the citizenry – and Missouri students are the rats.

Although this Stimulus money was used to persuade states to build these metadata systems on students, in fact, Missouri was ahead of the game. The year before (2008), Missouri received a grant from the National Governors Association (which owns the Common Core standards) to build and enhance a P-20 longitudinal database. “P-20” means a system capable of tracking a child from preschool through the workforce. So the grant from NGA, plus the Stimulus money, is being put to use in Missouri to build a massive student database.

In its Race to the Top application, the Department of Elementary and Secondary Education described Missouri’s database as “among the most advanced in the nation.” Here are some of the statements from the application:

* The Missouri data system will “maintain detailed student- and staff-level data linked to one another across entities and over time, providing a complete history for each student in the P-20 system.”
* The purpose of the data system “is to design and deploy a consolidated P-20 data warehouse that supports analysis and reporting from Pre-K through higher education and the workforce . . . .”
* “Missouri will host a data base accessible to researchers throughout the nation . . . .”
* The data system “will . . . serve as a ***national treasure of data for long-term studies*** . . . “

What kinds of data should be included in this “national treasure”? According to the National Education Data Model, a myriad of information such as health-care history, disciplinary record, family income range, family voting status, and religious affiliation – over 400 data points in all.

And according to the national Data Quality Campaign, Missouri is far down the road to sharing this data with various entities. Individual-level student data is being shared with non-education agencies within the state and even in Illinois.

But is personal data being shared with the federal government? This is where Common Core comes in. The assessment scheme aligned with Common Core, called the SMARTER Balanced assessment, is obligated by its agreement with the U.S. Department of Education to give the Department “**student-level data”** that results from the testing system. This student-level data must be made available “on an ongoing basis for research, including for prospective linking, validity, and program improvement studies . . . .”

So if Missouri stays in Common Core and SMARTER Balanced, student-level data will be sent to the U.S. Department of Education. And as of January 2012, the U.S. Department has eviscerated the protections of the federal education-privacy statute (called FERPA) so that it can send student data pretty much wherever it wants. Ms. Kaplan explains this in her written testimony, which I hope you will read. So now, student data can be shared on the federal level with pretty much any entity – public or private – as long as the Department uses the right language to justify it. And not only will parents have no right to object to this sharing of their children’s data, they probably will never even know it happened.

Here is an example of what the U.S. Department wants to do with student data. It is now in a joint venture with the U.S. Department of Labor to use education data for workforce-training programs. The Department of Labor makes no bones about its intention to access “individual-level data” from education records. With access to students’ personal information from the SMARTER Balanced tests and elsewhere, and with the new regulations that gut the protections of federal privacy law, there are very few obstacles in the path of the federal bureaucrats’ knowing -- and sharing -- everything there is to know about our children.

I urge you to read also Ms. Kaplan’s warnings about how student data that the U.S. Department has can now be shared with even with commercial enterprises, such as Google. She quotes the American Association of Collegiate Registrars and Admissions Officers, which criticized the new FERPA regulations as promoting “a data free-for-all in the name of educational reform.”

Common Core, then, is an essential component of a broader economic plan to track and analyze students in a “data free-for-all.” It is bad enough that all states are building intrusive data systems to track children from preschool through career; it will be far worse if they allow the federal government access to their students’ private information so that it can be shared with public and private entities throughout the nation.

**A word about threats to teacher privacy:**  As part of its waiver from No Child Left Behind, Missouri is required to revamp its teacher-evaluation system according to federal mandates. One of these is that teacher evaluations must be tied in part to student performance on the SMARTER Balanced tests. This new evaluation system will also generate a wealth of information about teachers, which the U.S. Department would also then be able to share for whatever purposes it deems appropriate. The bottom line is this: Common Core and the related components of the entire scheme will result in massive data-collection on both Missouri students and teachers – and the state will have no control over how those data are used.

Because of its apparently insatiable demand for data, it is clear that the U.S. Department will insist on more and more data-sharing as a condition of access to federal education programs. One way to stop this is to pass legislation withdrawing Missouri from the Common Core and SMARTER Balanced scheme so that the privacy of Missouri students, families, and teachers is protected.