

Testimony as prepared for
Commission on Evidence-Based Policymaking
Midwest Public Hearing
5 January 2017

I am testifying today on behalf of Raise Your Hand and the Parent Coalition for Student Privacy.

Raise Your Hand is a Chicago-based grassroots parent group that advocates for high-quality public education for all students in Chicago and Illinois. We are a primarily volunteer-run organization. We formed in 2010 to work on the issue of inadequate and inequitable funding of Chicago Public Schools and have expanded to work on several other education policy areas, including student privacy.

The Parent Coalition for Student Privacy formed in 2014 and is a national coalition of parents and advocates defending the protection of student data privacy.

The Parent Coalition for Student Privacy wrote a letter in November to the Commission opposing the creation of a centralized, federal clearinghouse of the personally-identifiable information of all students, commonly referred to as a student unit-record system or national database. This letter was signed by five other groups as well, including the American Civil Liberties Union and the Network for Public Education.

The risk that a federal database of student unit records would pose to student privacy is immense; including the very real possibility of breach, malicious attack, or the use of this information for purposes not initially intended. In the years since a federal student unit-record system was banned by the Higher Education Act in 2008, the reasons against creating it have only become more compelling.

In the past few years, much highly personal data held by federal agencies has been hacked, including the release of the records of the Office of Personnel Management involving more than 22 million individuals, not only federal employees and contractors but also their families and friends.

The US Department of Education in particular has been found to have especially weak security standards in its collection and storage of student data, and received a grade of D on the government scorecard created to assess how well federal agencies were implementing data security measures this past May.

In addition, preK-12 student data currently collected by state departments of education that would potentially be shared with the federal government include upwards of 700 highly sensitive personal data elements, including students' immigration status, disabilities, disciplinary records, and homelessness data.

As privacy advocates in the UK recently discovered, the personal information in a similar national student database that the government promised would be used only for research purposes has been secretly

requested by the police and by the Home Office, in part to identify and locate undocumented children and their families.

We are also very concerned about recent revelations of the widespread surveillance on ordinary citizens by the federal government, and the way in which a national student data system would be used to expand the tracking of students from preschool into high school, college, the workforce and beyond. A federal data clearinghouse of student information could effectively create life-long dossiers on nearly every individual in the nation.

The rapid adoption of the use of digital technology in preschool through high school has been accompanied by a similarly rapid increase in the generation of data tied to individual students and collected and stored by third-party organizations. Dozens of software and hardware vendors have products in use in the Chicago Public Schools alone. The regulation and protection of the data generated by such programs remains an open question. As this data is almost always tied to a student's personally-identifiable information, it too could be connected to and at risk from a national student-record system.

There have been at least two major, known data breaches in Chicago Public Schools in the last two years. In May of 2015, 4000 students had their names, addresses, phone numbers, disability status and other personal information inadvertently shared with vendors responding to a district RFP.¹ This past fall, a CPS employee was fired for unauthorized sharing of personal information of more than 28,000 students with a charter management organization who then used the data for marketing.² Student data is already highly vulnerable even without a federal data clearinghouse.

In light of all these concerns, we urge you to strongly oppose the creation of *any* centralized federal data system holding students' personally identifiable information and to support the continuation of the ban in the report you provide to Congress.

Although I am now a full-time advocate for public education, my professional training was as a research scientist in a quantitative field, computational linguistics. As a scientist, I certainly agree that high-quality data collection is a crucial ingredient in the research process. I also know that the ethical considerations in research using data from human subjects are paramount and that well-supported conclusions can be drawn from statistical samples derived from carefully designed experiments.

We do *not* need to track every student from preschool to the workforce in order to create an efficient and successful public education system, and given the risks and costs of doing so, we should not do it.

¹ "Data breach triggers sharing of personal info for 4,000 students" Catalyst Chicago. May 19, 2015. <http://catalyst-chicago.org/2015/05/data-breach-triggers-sharing-of-personal-info-for-4000-students/>

² "3 Noble charter staffers OK'd using CPS student data to recruit" *Chicago Sun-Times*. Dec. 23, 2016. <http://chicago.suntimes.com/news/3-noble-charter-staffers-ok-ed-using-cps-student-data-to-recruit/>

If we want evidence-based policy for education, we need to put the burden on experimental design, not on our children's private data. Researchers must devise ways to test hypotheses that require the least amount possible of individuals' private data—just as we minimize the risk for physical or mental harm in clinical trials—because universal, lifelong data collection is an unacceptably unethical course of action.

I urge this Commission to consider the principles in the Belmont Report, written more than 40 years ago under the charge of an earlier federal commission, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research: the principles of respect of persons, beneficence and justice. The creation of a national database of student records violates all three of those principles.

Once privacy is lost it is nearly impossible to restore. And so, we hold a moral and ethical obligation to our children – and our citizens -- to minimize such a risk in any way possible.

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