

Chair Doherty and members of the House Education Committee,  
I urge you to support HB 2655.

I recommend the following amendments to strengthen this bill.

- State and Local Education Agencies review data collection practices annually in public hearings to assure adequate notice and consent[1] and implementation of fair information practices.
- Parents/students must opt in for data collection that is not necessary for state and federal reporting.
- Data sharing agreements and memoranda of understanding between state and local education agencies and other state/local agencies/third party vendors are posted at the state/local education agency website.
- Local education agencies calculate annual cost to the school district or the public charter school for administering other standardized assessments[2] (such as DIBELS DRA, easyCBM, ACT, Explore, PLAN, IB, CogAT, ITBS); IT personnel, hardware and software; professional training for assessments and other assessment related costs.

Big data technocrats are prone to mission creep. The common education data standards are in their 5th revision.[3] Here's some questionable 'D' data standards: Demographic Race Two or More Races, Dental Insurance Coverage Type, Desegregation Order or Plan, Developmental Education Type, Directory Information Block Status, Discipline Action Length Difference Reason, Displaced Student Status... 'P': Parent Communication Method, Participation in School Food Service Programs, Person Identification System, Proficiency Status, Proof of Residency Type, Proxy Contact Hours...

More data, more sharing, more analytics... And that means more third parties with access to the data. Our data (identified and de-identified) has no clear chain of custody—a big problem since researchers are learning that data released in a simply anonymized form can be easily reidentified.[4]

Big data can be wrong.

In October 2012, my son was a senior in high school. He was to turn 18 in December.

I did something unprecedented at the Oregon Department of Education. I requested his education records stored there, inclusive of those entered in the new State Longitudinal Data System (SLDS).

I researched FERPA,[5] which affords parents the right to review their education records and specifically referred to the electronic code of federal regulations to access my son's e-data[6] and that "The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request."

Jan McComb was very helpful in promptly crafting a release form and sending the records by CD in the mail. (I was concerned the data could not be sent in a secure manner to my email account.)

Then I reviewed the data. This was a cumbersome process since I had to download data maps and code tables[7] to interpret the data.

But I learned that my son was coded a W8 in the SLDS. W 8 = Left to Earn a GED; Left to Earn a General Equivalency Diploma certificate but did not complete."

This data entry could not be fixed presumably because there was no code for intra- (two times) and inter-district (one time) transfers or private school (one time). One year of data was missing. Needless to say, I don't have a lot of faith in drop-out statistics.

Drop-out data punish schools—just as bad test scores do. We can expect 2 out of 3 kids will have punishing test scores[8] with the Smarter Balance assessment this spring. Schools are worried that the younger kids can't type sufficiently well.[9] Parents should be able to opt their child out of the Smarter Balance Assessment.

SEAs and LEAs must be accountable for assuring accuracy, validity, and integrity of data collected in education records, minimizing the collection, storage and sharing of the data to prevent breaches.

Please support 2655 with the aforementioned amendments.

Kris Alman

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[1] [https://en.wikipedia.org/wiki/FTC\\_Fair\\_Information\\_Practice](https://en.wikipedia.org/wiki/FTC_Fair_Information_Practice)

[2] <https://www.beaverton.k12.or.us/PS/Pages/Assessment.aspx>

[3] <https://ceds.ed.gov/elements.aspx>

[4] [http://bits.blogs.nytimes.com/2015/01/29/with-a-few-bits-of-data-researchers-identify-anonymous-people/?emc=edit\\_tnt\\_20150130&nid=5100421&tntemail0=y&\\_r=0](http://bits.blogs.nytimes.com/2015/01/29/with-a-few-bits-of-data-researchers-identify-anonymous-people/?emc=edit_tnt_20150130&nid=5100421&tntemail0=y&_r=0)

[5] 20 U.S. Code § 1232g <http://www.law.cornell.edu/uscode/text/20/1232g>

[6] <http://bit.ly/18Y6I2j>

[7] <https://district.ode.state.or.us/search/page/?id=185>

<https://district.ode.state.or.us/search/page/?id=228>

[8] [http://www.oregonlive.com/education/index.ssf/2014/12/no\\_more\\_sugarcoating\\_60\\_percent.html](http://www.oregonlive.com/education/index.ssf/2014/12/no_more_sugarcoating_60_percent.html)

[9] [http://blog.oregonlive.com/education\\_impact/print.html?entry=/2015/01/new\\_online\\_smarter\\_balanced\\_te.html](http://blog.oregonlive.com/education_impact/print.html?entry=/2015/01/new_online_smarter_balanced_te.html)