

February 13, 2015

Chair Doherty, Vice Chairs Frederick and Sprenger and members of the House Education Committee:

I wish I could make another trip down to Salem to testify in person today, but it's not possible due to parental obligations this afternoon.

Thank you for this opportunity to comment on the following Bills:

- HB 2709 Directs State Board of Education to adopt standards for rights of parents, legal guardians and students relating to student education records.
- HB 2710 Directs Department of Education to issue privacy risk assessment of any data system, program or contract involving student education records.
- HB 2711 Establishes standards relating to personal identifying information that State Board of Education must follow when adopting rules related to student education records.
- HB 2712 Directs State Board of Education to adopt schedule of civil penalties for violations of rules related to creation, use, custody and disclosure, including access, of student education records.

I had the honor of serving on the OEIB's Student Data Privacy Workgroup that was established last summer and am very grateful that Rep. Frederick has introduced all of these critically important bills.

As a parent of a Portland Public Schools (PPS) 9th grader, I am gravely concerned about the security and privacy of the data that has been collected by PPS about my daughter. PPS is setting up google accounts (see attached article) for all students and using Class Dojo (see attached article) to track student behavior.

[Google Apps for Education: Data Mining and the Threat to Student Privacy](#)

[Privacy Concerns for ClassDojo and Other Tracking Apps for Schoolchildren](#)

I have attended several OEIB meetings over the last few years and am always dismayed by how they talk about Oregon's schoolchildren as if they are just data to be mined: ROI, college and career ready defined by standardized reading and math test scores, trajectory, dashboard, longitudinal student data system...every time I attend an OEIB meeting I leave sad and worried about what's in store for the public education of Oregon's children. I hope the legislature allows the OEIB to sunset in March 2016.

A couple days ago I attended an Abernathy K-5 community meeting to learn about the impending "smarter balanced" common core test and parental rights to opt our children out from taking state assessments. The presenters were Mary Anderson, the PPS Testing Coordinator and Gwen Sullivan, President of the Portland Association of Teachers and a PPS parent and teacher. Attendees had many questions, but one question has been coming up a lot lately as parents struggle to decide whether to opt their students out of smarter balanced tests this year: will 6th graders not have the opportunity to take Compacted Math in 7th grade if they don't take the smarter balanced test. The answer is "no," but apparently not all middle school teachers and principals know that they should not be using the state assessments to determine which students are tracked into regular 7th grade math vs Compacted 7th grade math. Several parents at the Abernathy K-5 meeting expressed frustration that their students were not allowed to take compacted math solely based on their 6th grade OAKS scores despite getting good grades in math and against district policy.

I remember when my daughter was in 6th grade at Mt. Tabor MS she had been tracked into 7th grade math and I asked if OAKS scores were used to determine which students skipped 6th grade math. I was told that they used to use OAKS scores, but stopped because OAKS scores were not a good predictor for which students would be successful skipping 6th grade math. This is just one example of how student data can be misused to limit student opportunities.

We cannot rely on federal student data protections as the Family Educational Rights and Privacy Act has actually been weakened to allow more disclosure of student data and efforts to strengthen federal student data protections may or may not happen this legislative session (see attached article dated 2/12/2015): [Student data needs better privacy safeguards, experts tell Congress](#)

In closing, I would like to note my worries about the rampant major cases of personal data theft we hear on the news and fear of being the victim of identity theft. Just this week a friend of mine said that when she and her husband filed their federal income tax return they were told they could not because someone had already filed and collected my friend's income tax return. She told me that 1 in 20 people are victims of identify theft. They were relying on a substantial return that they will hopefully eventually get, but it will likely be in the fall if at all.

Please support House Bills 2709, 2710, 2711 and 2712, the Oregon legislature needs to do everything in it's power to protect our children from having their student data misused to limit their educational opportunities, abused by for profit business interests, or stolen and used for criminal purposes.

Thank you for this opportunity to share with you my concerns and support for these bills.

Sincerely,

Betsy Salter, Co-founder
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