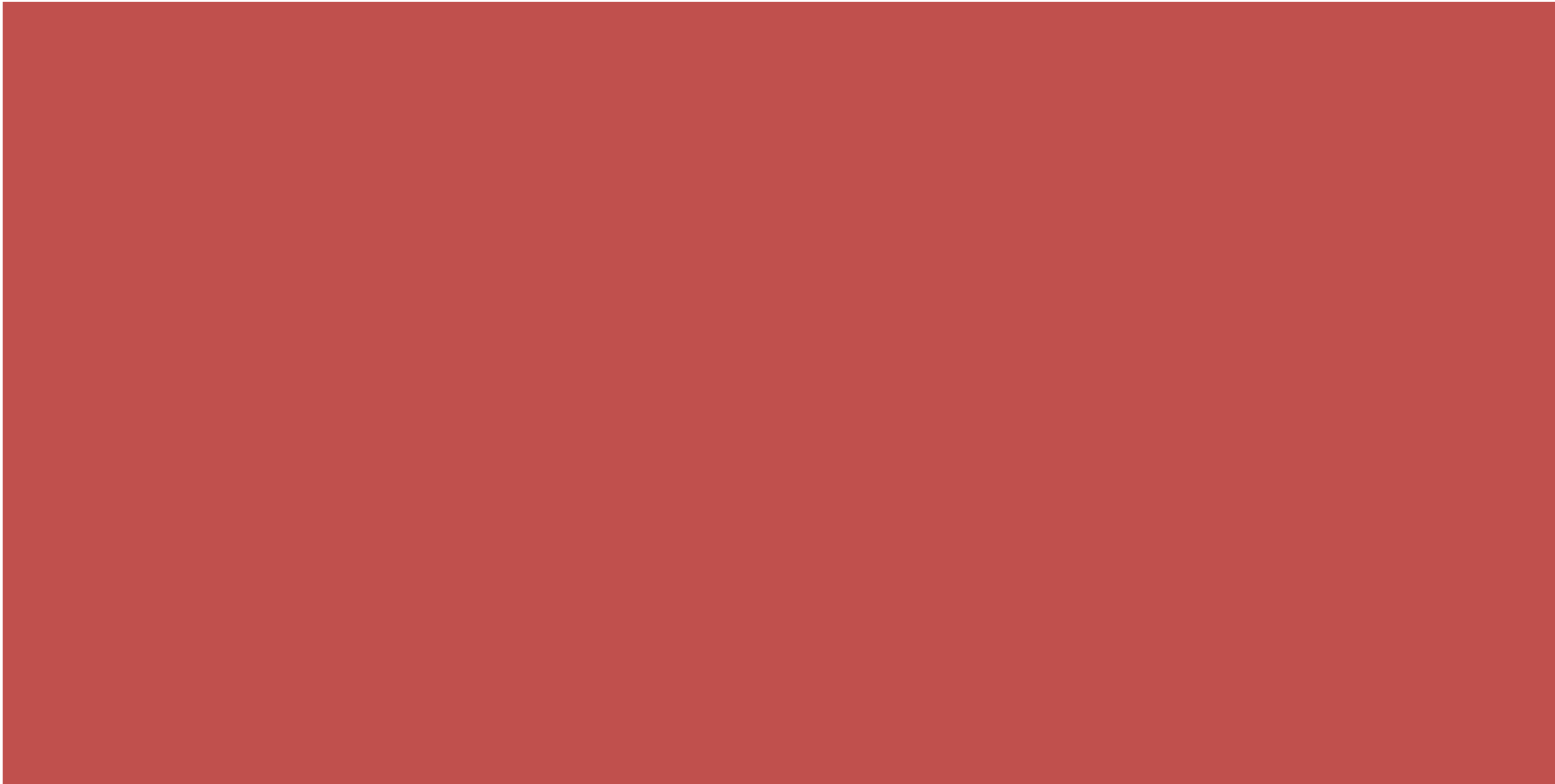


# Introduction and Format



# Contact Information Board Protect Nevada Children

- John Eppolito (R)\* [john@Jtahoe.com](mailto:john@Jtahoe.com)
- Virginia Starrett (R)\* [profvstarr@msn.com](mailto:profvstarr@msn.com)
- Pat Lynch (D) [pat@women-corp.com](mailto:pat@women-corp.com)
- Don Gallimore (D) [donaldgallimore1@gmail.com](mailto:donaldgallimore1@gmail.com)

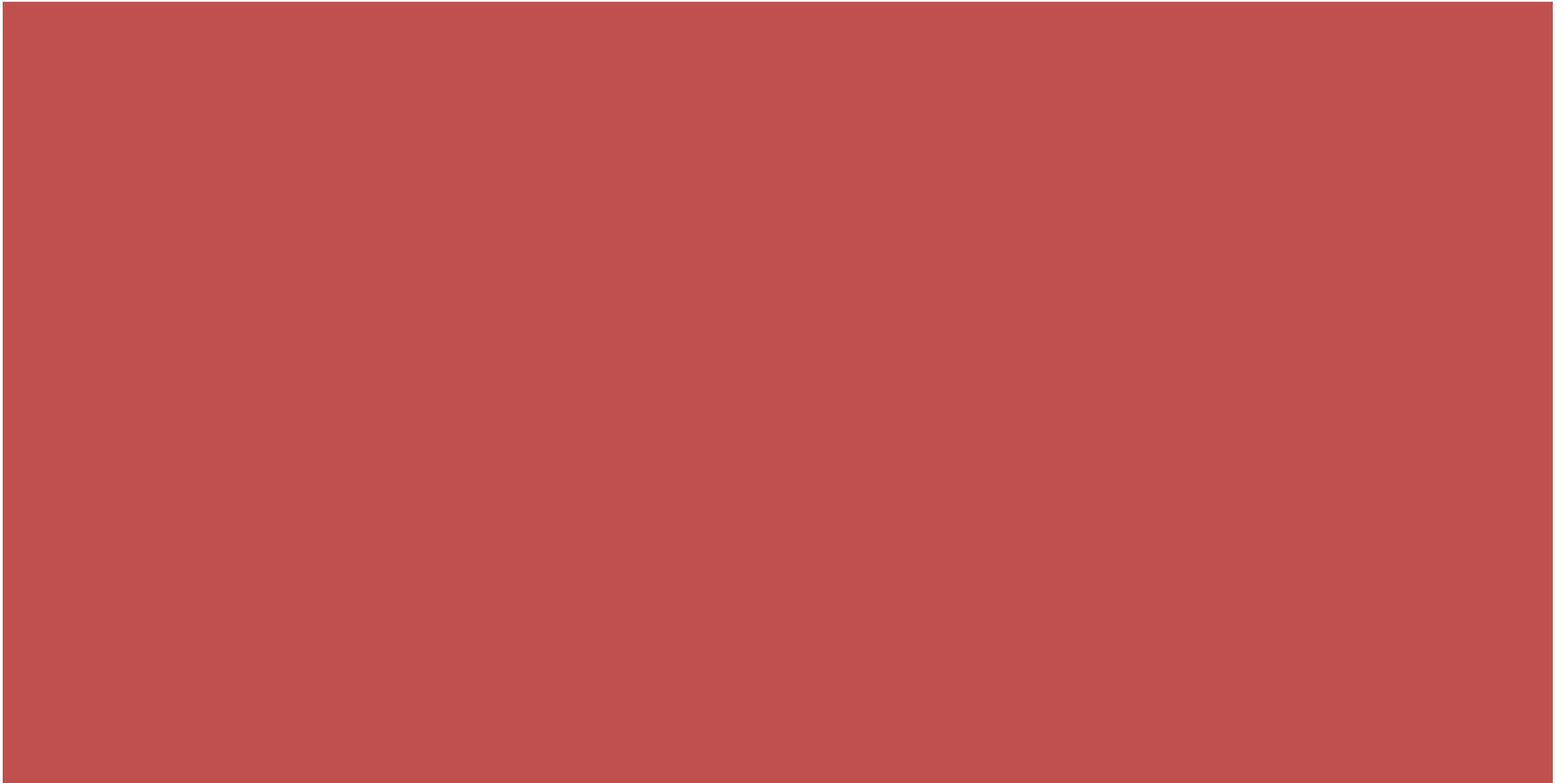
\* Current or former teacher

**This presentation based on facts and the supporting links are posted in blue.**

# Some of the topics

- **Nevadan's new Student Data Mining system**
  - **NV's SAIN (System of Accountability Information in Nevada)**  
**(K-12)**
  - **Nevada's Statewide Longitudinal Data System - Renamed NPWR - Pre-K – Workforce**
- **SBAC (Smarter Balanced Assessment Consortium) and Third Party - Student Data Mining schemes**
- **Federal Student Data Mining**
- **1:1 Devices in regards to SDM**
- **Who does not own your child's PII (Personally Identifiable Information)**
- **Who gutted FERPA (Family Education Rights and Privacy Act)**
- **Things you can do to protect your children & their data**

# Background



**When the Common Core (CC) standards were first released Almost 500 Early Childhood Health and Education Professionals signed a letter to the people who now hold the copyright for CC the NGA (National Governors Association) and the CCSSO (Chief Counsel of State School Officers) Both are trade associations**

- **First paragraph, “WE HAVE GRAVE CONCERNS about the core standards for young children now being written by the NGA and the CCSSO. The draft standards made public in January conflict with compelling new research in cognitive science, neuroscience, child development and early childhood education about how young children learn, what they need to learn, and how best to teach them in kindergarten and the early grades.”**
- **“We call on the NGA and the CCSSO to suspend their current drafting of standards for children in kindergarten through grade three.”**

**How did the NGA and  
CCSSO respond?**

# CC Copyright NGA & CCSSO (both trade originations with no official authority)

## Limitation on Liability:

- **“UNDER NO CIRCUMSTANCES SHALL NGA CENTER OR CCSSO, INDIVIDUALLY OR JOINTLY, BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, CONSEQUENTIAL, OR PUNITIVE DAMAGES HOWEVER CAUSED AND ON ANY LEGAL THEORY OF LIABILITY, WHETHER FOR CONTRACT, TORT, STRICT LIABILITY, OR A COMBINATION THEREOF (INCLUDING NEGLIGENCE OR OTHERWISE) ARISING IN ANY WAY OUT OF THE USE OF THE COMMON CORE STATE STANDARDS, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH RISK AND POTENTIAL DAMAGE. WITHOUT LIMITING THE FOREGOING, LICENSEE WAIVES THE RIGHT TO SEEK LEGAL REDRESS AGAINST, AND RELEASES FROM ALL LIABILITY AND COVENANTS NOT TO SUE, NGA CENTER AND CCSSO.”**

<http://www.corestandards.org/public-license>



**After the standards were written and the people responsible were PROTECTED, the federal government gave \$360,000,000 to two companies to write the CC assessments.**

- **Pearson – PARCC (Partnership for Assessment of Readiness for College and Careers)**
- **McGraw Hill – SBAC (Smarter Balanced Assessment Consortium) Nevada**

<http://www.washingtonpost.com/blogs/answer-sheet/wp/2013/09/04/seven-facts-you-should-know-about-new-common-core-tests/>

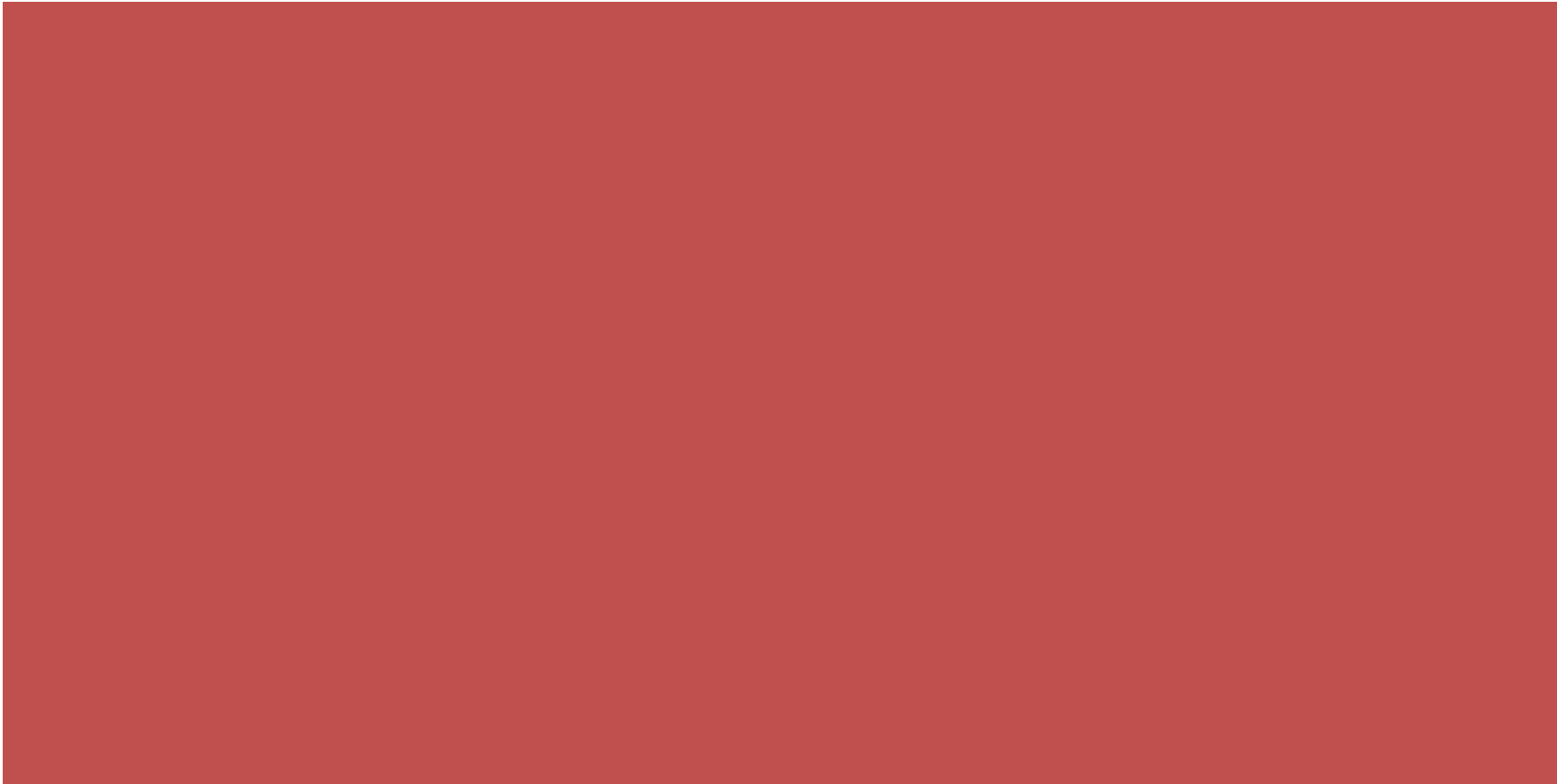
<http://www.prnewswire.com/news-releases/smarter-balanced-assessment-consortium-selects-ctbmcgraw-hill-to-develop-next-generation-of-assessments-to-help-schools-meet-new-common-core-state-standards-147593455.html>

[http://www.reading.org/general/Publications/blog/BlogSinglePost/rty/2012/03/01/SMARTER\\_Balanced\\_and\\_PARCC\\_to\\_Launch\\_Pearson\\_Technology\\_Readiness\\_Tool.aspx#.Utg9GLTnSc](http://www.reading.org/general/Publications/blog/BlogSinglePost/rty/2012/03/01/SMARTER_Balanced_and_PARCC_to_Launch_Pearson_Technology_Readiness_Tool.aspx#.Utg9GLTnSc)

<http://www.ascd.org/common-core/core-connection/08-08-12-questions-arise-with-common-assessment-consortia.aspx>

**Note - These are also the two largest companies writing CC curriculum**

# SBAC TESTING!



# According to the SBAC's website

- **The test is designed to fail at least half the students who take it**

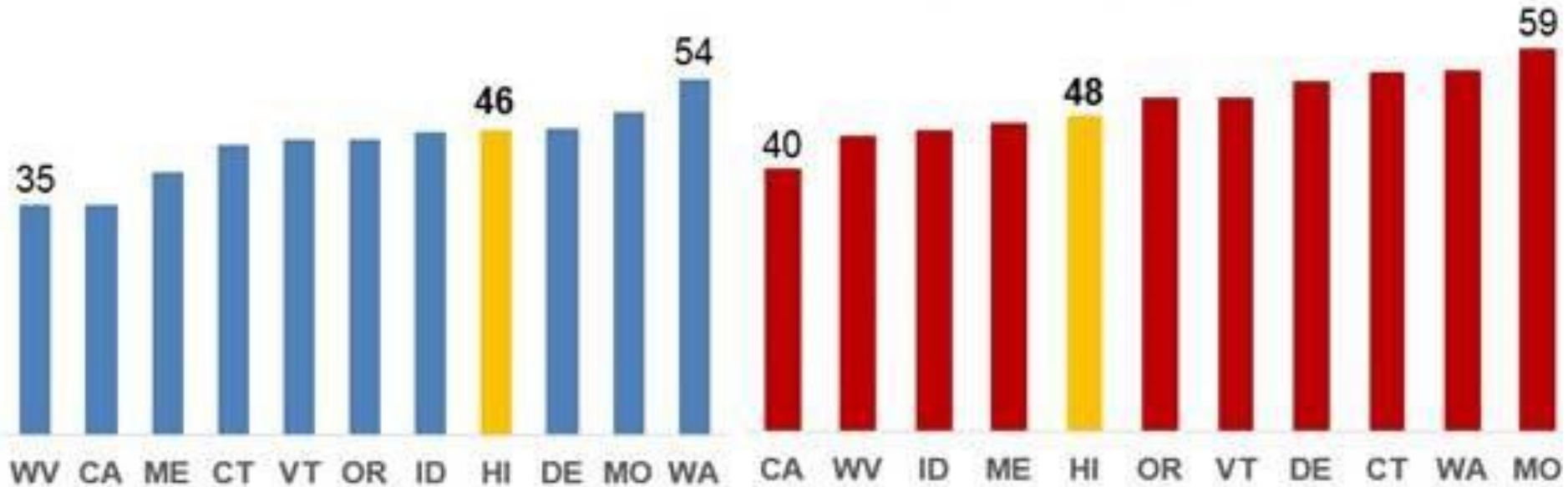
<http://www.smarterbalanced.org/news/smarter-balanced-states-approve-achievement-level-recommendations/>

# SBAC Results from Spring 2015 test 11 states through Sept. 12, 2015

<http://khon2.com/2015/09/15/doe-releases-test-scores-based-on-common-core-standards/>

## Mathematics

## English Language Arts/Literacy



Percent of students meeting the achievement standard in **grade 4**  
in other states which have released Smarter Balanced scores as of 9/12

# NV SBAC Results 2015

## NEVADA'S 2015 PERFORMANCE ON MATH TEST

Grade – percent of students scoring proficient

- 3 – 46%
- 4 – 41%
- 5 – 36%
- 6 – 37%
- 7 – 34%
- 8 – 21%

## NEVADA'S 2015 PERFORMANCE ON READING TEST

Grade – percent of students scoring proficient

- 3 – 41%
- 4 – 42%
- 5 – 49%
- 6 – 48%
- 7 – 44%
- 8 – 47%

- 1) Secret (only student taking test can see it);**
- 3) Computer adaptive test (gets easier or harder), and easily manipulated by SBAC;**
- 4) It is based on developmentally inappropriate standards in the early grades.**
- 5) We do not know exactly what personal information is being obtained**

6) Dr. Peg Luksik:

- a) The test will likely FORCE kids to conform before they move to next question.
- b) Honesty wallet example...
- c) Example of an old PA test that stated in the testing documents it was NOT testing objective knowledge but testing and scoring for, “CHILD’S THRESHOLD FOR BEHAVIOR CHANGE WITHOUT PROTEST.”

Six minute video Dr. Luksik

<https://www.youtube.com/watch?v=aY4iMwlarNA>

# I don't know if Dr. Luksik is correct...

- ...but neither does your child's teacher, administrator, school superintendent, or the NV Department of Education

# Here's what I do know

- **Whatever information is gleaned from the SBAC follows your child the rest of her life**



# New York State Teacher...

- To see how inappropriate CC tests are, watch this 10 minute video of a teacher who is asking for re-assignment during CC testing. Try to watch this without getting choked up!

<https://www.youtube.com/watch?v=PV6HoDLsnH8#t=531>

**At least 24/7 During the entire testing window SBAC will be “listening and monitoring” spying on student social media accounts – in the name of test security. Pearson (PARCC) was the first one who got caught.**

[http://www.tracx.com/case\\_studies/pearson/](http://www.tracx.com/case_studies/pearson/)

- Last year during the field tests SBAC published a document titled, “GUIDANCE FOR SOCIAL MEDIA MONITORING DURING THE FIELD TEST” Second sentence: “The Consortium is closely monitoring social media networks for security breaches.”

[http://www.sde.idaho.gov/site/commonAssessment/docs/Guidance%20for%20Social%20Media%20Field%20Test%20Monitoring.pdf?hc\\_location=ufi](http://www.sde.idaho.gov/site/commonAssessment/docs/Guidance%20for%20Social%20Media%20Field%20Test%20Monitoring.pdf?hc_location=ufi)

- PARCC is also spying on student social media accounts.

[http://www.washingtonpost.com/blogs/answer-sheet/wp/2015/03/14/pearson-monitoring-social-media-for-security-breaches-during-parcc-testing/?hc\\_location=ufi](http://www.washingtonpost.com/blogs/answer-sheet/wp/2015/03/14/pearson-monitoring-social-media-for-security-breaches-during-parcc-testing/?hc_location=ufi)

Good morning all,  
Last night at 10PM, my testing coordinator received a call from the NJDOE that Pearson had initiated a Priority 1 Alert for an item breach within our school. The information the NJDOE initially called with was that there was a security breach DURING the test session, and they suggested the student took a picture of a test item and tweeted it. After further investigation on our part, it turned out that the student had posted a tweet (NO PICTURE) at 3:18PM (after school) that referenced a PARCC test question. The student deleted the tweet and we spoke with the parent – who was obviously highly concerned as to her child’s tweets being monitored by the DOE. The DOE informed us that Pearson is monitoring all social media during PARCC testing. I have to say that I find that a bit disturbing – and if our parents were concerned before about a conspiracy with all of the student data, I am sure I will be receiving more letters of refusal once this gets out (not to mention the fact that the DOE wanted us to also issue discipline to the student). I thought this was worth sharing with the group.

-Liz

Elizabeth C. Jewett  
Superintendent  
Watchung Hills Regional High School District  
108 Stirling Rd.  
Warren, NJ 07059  
908-647-4800 x 4890  
[ejewett@whrhs.org](mailto:ejewett@whrhs.org)

*“The best way to predict your future is to create it.” ~Abraham Lincoln*

**“The NJDOE informed us that Pearson is monitoring all social media during PARCC testing.”**



Request A Demo

Login

Home > Clients > Case Studies > Pearson



# Pearson Pearson Streamlines Social Media Listening and Monitoring With Tracx

Pearson is the world's leading learning company, providing educational materials and services and business information through the Financial Times Group. Pearson serves learners of all ages around the globe, employing 41,000 people in more than 70 countries. Social media plays a business critical role across all of Pearson's major businesses: PreK-12, Higher Education, Professional and Assessment, as well as from a corporate perspective.

## Problem

With organizationally and globally distributed teams, Pearson employees were using dozens of different social media tools and services. Their primary tool, Radian6, was difficult to use, limited in terms of how many topics they were able to track and very expensive. Providing meaningful measurement across Pearson was challenging and an incredibly manual and time-consuming process. Pearson was seeking a social listening and analytics platform that could be utilized across all its business units and able to scale to support its global businesses.



[About](#)[Product](#)[Knowledge](#)[Clients](#)[Blog](#)[Contact Us](#)[Request  
A Demo](#)[Login](#)[Whitepapers](#)[Webinars](#)[Infographics](#)[Case Studies](#)[FAQ](#)[Blog](#)

## Solution

After doing a thorough review of social media listening and analytics tools, Pearson chose Tracx for three primary reasons.

### 1. Usability:

which refers not only to the clean intuitive user interface of the Tracx platform but also to the ease of getting data and reports needed.

### 2. Customer Service:

with a dedicated client services team on tap to not only get the Pearson team up and running but available to help however needed on an ongoing basis.

### 3. Value:

since Tracx does not charge additional fees based on the number of user profiles or owned media accounts, both are included and unlimited with Tracx. Pearson uses Tracx daily for social listening and monitoring across all its lines of business.

Today, Pearson uses Tracx to arm nearly 40 employees to do their own social research and reporting and continues to add additional users and geographies every month.

## Results

Tracx enabled Pearson to **increase organizational efficiencies** and **cut costs** by reducing the number of social tools being used throughout the organization. Tracx has assisted with governance issues including enterprise workflows to ensure appropriate teams are communicated with, as well as approval chains and processes are followed. In addition, Tracx has empowered a wider number of people within the Pearson organization to self-serve social listening, analytics and reporting reducing the pressure on the online marketing group to be the sole provider of this knowledge and reporting.

**American Federation of Teachers  
(AFT) the second largest teachers  
union in the country  
Has a Petition titled:  
TELL PEARSON TO STOP SPYING ON  
OUR KIDS**

[http://action.aft.org/c/44/p/dia/action3/common/public/?action\\_KEY=9864](http://action.aft.org/c/44/p/dia/action3/common/public/?action_KEY=9864)

# What about SBAC

- **“...Smarter Balanced, told POLITICO that they do exactly what Pearson (does)... scan the web for any breaches in security, such as a photo of a test question or a Facebook post describing an essay prompt.”**

<http://www.politico.com/story/2015/03/cyber-snoops-track-students-116276.html#ixzz3XwyAT5Q6>

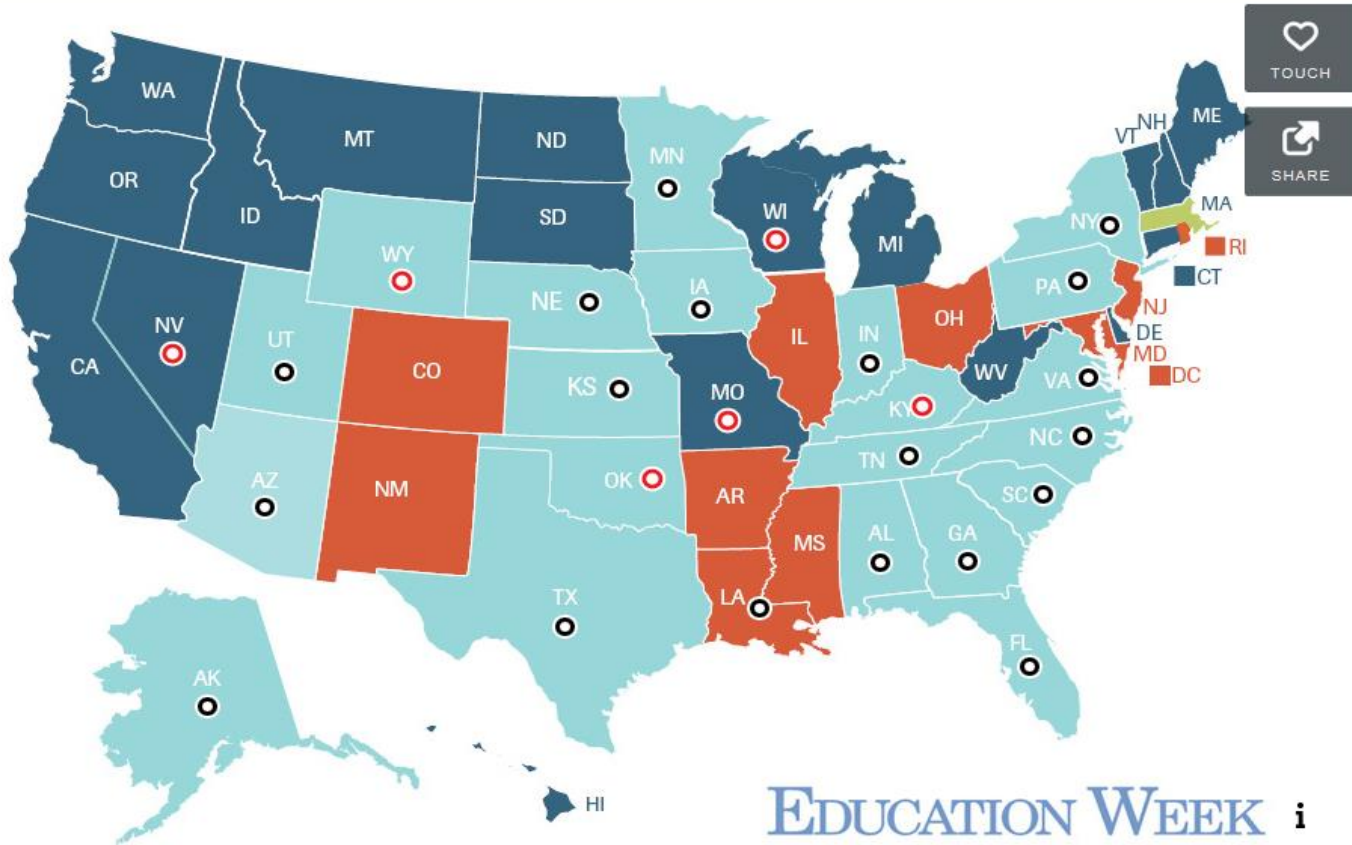


# Education Week May 19, 2014

<http://www.edweek.org/ew/section/multimedia/map-the-national-k-12-testing-landscape.html>

cape - Education Week - Internet Explorer

/section/multimedia/ma Map: The National K-12 Testing ... Map: The National K-12 Testi... x



Smarter Balanced Assessment Consortium (18)

Partnership for Assessment of Readiness for College and Careers (10 plus D.C.)

Other (21)

Undecided (1)

Indicates state is using one test for grades 3-8 and another for high school (HS.) Hover for more information about state tests.

Hover for more information about state tests.

thinglink



# Since Map Published - At least three more states dropped SBAC

- **WI (Feb. 2015) said state will not fund SBAC starting in the 2015-16 school year**
- **MO 6/02/15 dropped SBAC - Earlier in 2015 MO deemed SBAC unconstitutional**
- **ME dropped SBAC - Week of 6/15/15**
- **Down to at most 15 SBAC states**

<http://www.pressherald.com/2015/05/18/education-committee-votes-to-drop-current-standardized-tests/>

<https://www.iireview.com/2015/09/420621-wisconsin-common-core-scott-walker-test/>

[http://www.stltoday.com/news/local/education/missouri-legislature-throws-common-core-test-out-the-window/article\\_09441f40-b77a-5f0d-ae9f-7678a30d551a.html](http://www.stltoday.com/news/local/education/missouri-legislature-throws-common-core-test-out-the-window/article_09441f40-b77a-5f0d-ae9f-7678a30d551a.html)

[http://blogs.edweek.org/edweek/state\\_edwatch/2015/06/maine\\_leaves\\_common\\_core\\_test\\_consortium.html](http://blogs.edweek.org/edweek/state_edwatch/2015/06/maine_leaves_common_core_test_consortium.html)

<http://www.ellsworthamerican.com/featured/state-dumps-latest-standardized-test>

**The SBAC test is a  
STUDENT DATA MINING tool!**

# **9-10 Hour Secret Computer Adaptive Test**

- **At best parents will get a couple final scores for math and English language arts, the school year after the test is taken**
- **WCSD did not send test results to parents**

# Per SBAC (and PARCC's) contract with the U.S. Department of Education

- **“The SBAC is required to ‘provide timely and complete access to any and all data collected at the state level’ to the federal government DoE, or its designated program monitors, technical assistance providers, or researcher partners, and to GAO, and the auditors conducting the audit required...”**

N – 6, Appendix F 5 – B,

<http://www2.ed.gov/programs/racetothetop-assessment/sbac-cooperative-agreement.pdf>

<http://truthinamericaneducation.com/uncategorized/federal-government-to-have-access-to-your-childs-data-via-common-core-assessments/>

# Here are some of the companies in addition to SBAC who will gain access to your child's raw SBAC data

- American Institute for Research (**AIR**)
- Data Recognition Corporation (**DRC**)
- eMetric (**eMetric**)
- National Center for Research on Evaluation, Standards, and Student Testing (**CRESST**)
- National Center for Analysis of Longitudinal Data in Education Research (**CALDER**)

# American Institute for Research (AIR)

- Per SBAC's website: "AIR will develop an open source solution for delivering the Consortium's online, computer adaptive...assessments to students."

<http://www.smarterbalanced.org/news/smarter-balanced-awards-test-delivery-system-contract-to-american-institutes-for-research/>

- AIR claims to be, "one of the world's largest behavioral and social science research and evaluation organizations."
- In 1946 John Flanagan founded AIR – Prior to that, he was the chief psychologist involved in Eugenic experiments via the Pioneer Fund in the late 1930's and early 40's. The stated purpose of the Pioneer Fund was to, "increase the birth rate among superior groups."

<http://www.air.org/page/air-history>

<http://www.air.org/about-us>

<http://www.wsj.com/articles/SB934843314555163550>

<http://www.air.org/news/press-release/calder-relocates-american-institutes-research>

<http://www.thefreelibrary.com/%22The+American+breed%22%3a+Nazi+eugenics+and+the+origins+of+the+Pioneer...-a086064877>

# Data Recognition Corporation (DRC)

- DRC is the company NV will pay to administer the SBAC test this year
- From DRC's website:  
**“PSYCHOMETRIC SERVICES**  
DRC's Psychometric Services team is staffed with highly-credentialed psychometricians and measurement professionals that design programs to meet the expanding psychometric requirements of next-generation assessments.”

<http://www.datarecognitioncorp.com/education-services/psychometric-services/Pages/default.aspx>



# eMetric

## Being paid by Nevada

- **“eMetric was founded in 2000 by Dr. Huixing Tang, a renowned psychometrician.”**

<http://www.emetric.net/company>

# National Center for Research on Evaluation, Standards, and Student Testing (CRESST)

- CRESST is housed at UCLA with SBAC
- First page of CRESST website:
  1. “CRESST Research on Flexible Psychometric Modeling Published in Psychometrika”
  2. “CRESST researchers presented on a wide range of topics, including Common Core assessment, measurement and psychometrics...”

# National Center for Analysis of Longitudinal Data in Education Research (CALDER)

- **CALDER is now based at AIR's corporate headquarters in Washington, D.C.**  
From AIR's website: "By capitalizing on rich longitudinal data, the Center can explore a breadth of critical education issues and present research advancements of the highest quality to policymakers. Through the course of this work, CALDER makes significant technical and analytic contributions to the field as it mines growing sources of state and administrative longitudinal data with state-of-the-art econometric techniques."
- **CALDER, "strives to inform education policy development through analyses of data on individual students and teachers over time."**
- **Since its founding, CALDER has been focused on student outcomes, utilizing longitudinal databases and other data sources**

# Psychometrics

- Per Wikipedia: **“is a field of study concerned with the theory and technique of psychological measurement. One part of the field is concerned with the objective measurement of skills and knowledge, abilities, attitudes, personality traits, and educational achievement.”**

<https://en.wikipedia.org/wiki/Psychometrics>

# If your child takes the SBAC it appears

- AIR
- DRC
- eMetric
- CALDER
- CRESST
- And SBAC will all get raw SBAC data
- I can't say for sure what these entities will do with all the data, but according to some clinical psychologists like Dr. Gary Thompson of Utah, they will be developing a psychological profile on your child...

**WHATEVER THEY DO WITH YOUR CHILD'S DATA IT WILL BE, WITHOUT YOUR CONSENT**

**If your child takes the SBAC  
you will never know what  
data was shared, who gained  
access to it, and how it will  
be used!**

# Cost just for SBAC testing in NV

- DRC's Four year contract with NV will cost the taxpayers \$51 Million
- Plus \$1.3 Million per year to belong to SBAC
- **Over \$14 Million per year so that others can gain access to our students data and do who knows what with it...**

<http://www.reviewjournal.com/education/nevada-board-approves-student-testing-contract>

<http://www.rgj.com/story/news/education/2015/04/24/nevada-threatens-legal-action-broken-million-tests/26340859/>

<http://vegasseven.com/2015/08/13/makeup-exam/>

# In addition

- **The NDE has threatened all schools in our state: “If you do not have 95% participation in the SBAC your school will automatically be a ONE STAR school.” This is why schools & districts...**

<https://www.nevadansagainstcommoncore.com/nde-forces-all-nv-students-into-cc--sbac--testing....html>

- **The SBAC has been deemed unconstitutional in at least one state – MO.  
And the constitutionality is being challenged in at least four more states ND, ID, WV and SD**

<http://www.prnewswire.com/news-releases/lawsuit-by-the-thomas-more-law-center-challenges-the-constitutionality-of-common-core-in-north-dakota-300102507.html>

[http://www.idahoednews.org/news/federal-lawsuit-targets-idaho-core-standards-sbac-exam/#.Vgr\\_L\\_IViko](http://www.idahoednews.org/news/federal-lawsuit-targets-idaho-core-standards-sbac-exam/#.Vgr_L_IViko)

<http://truthinamericaneducation.com/common-core-state-standards/thomas-more-law-center-challenges-common-core-constitutionality-in-west-virginia/>

<http://www.keloland.com/newsdetail.cfm/group-sues-state-over-common-core-group-membership/?id=187418>

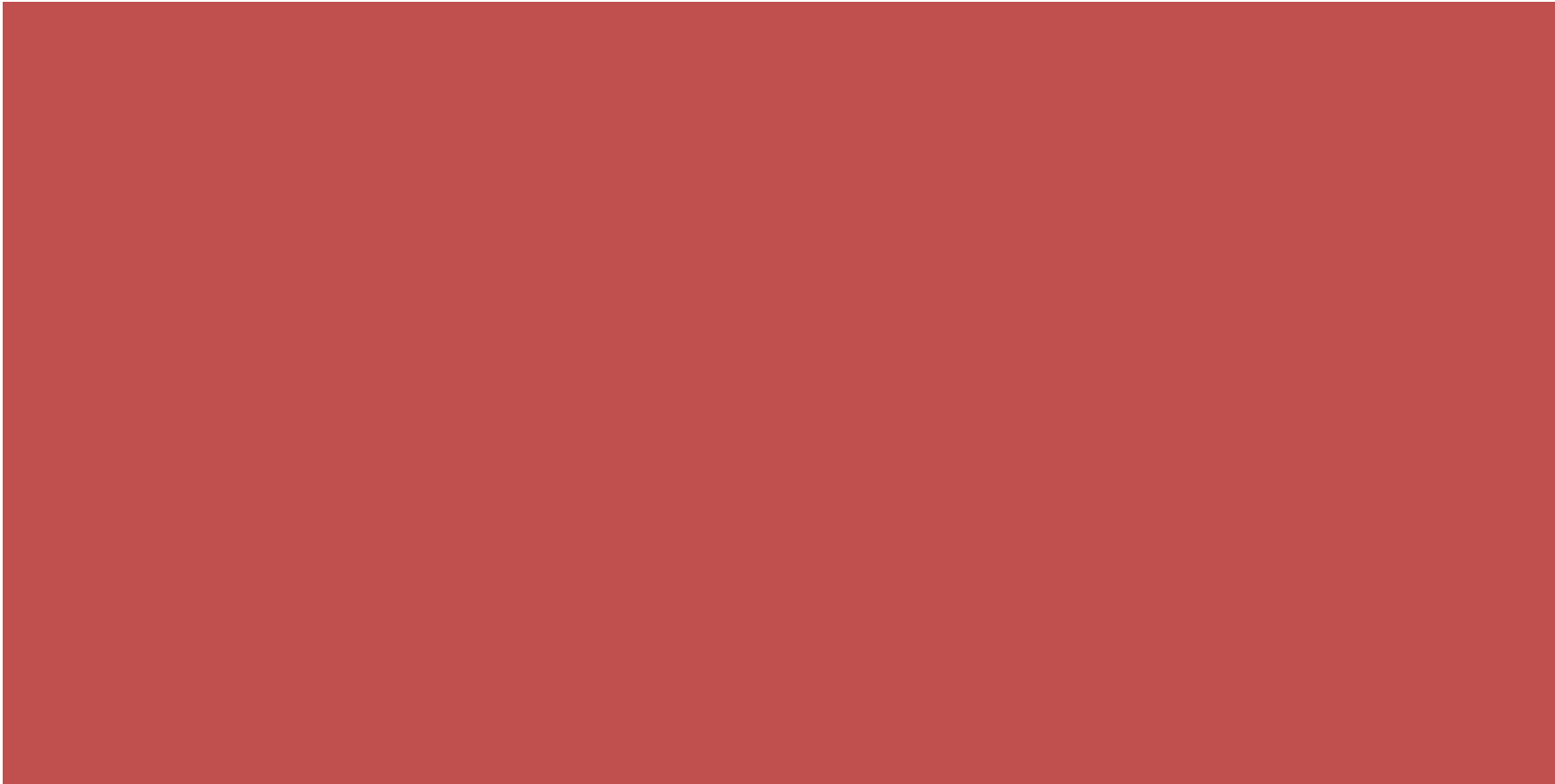


# SBAC Summary:

- Based on developmentally inappropriate standards
- Designed to “fail” half of the students
- Will not be graded and returned to Nevada until the following school year...
- The results are useless to parents and (*probably educators*)
- When results come back, we will only be able to compare NV students to students in at most 14 other states.
- Up to 40% (?) of NV teacher evaluations will be determined by different aspects of the test scores
- 24/7, at least during the testing window, student social media accounts will be, “monitored,” by SBAC
- Students will be testing for about 9-10 hours, plus all the time wasted preparing for the test
- Cost over \$14 Million per year JUST for test, plus...
- Probably unconstitutional
- The NDE has threatened every school in the state...95%
- And The WORSE thing is: **the Student Data Mining, Sharing, and likely Student Psychological Profiling ALL without parent consent!**

- **As an educator I have never opted any of my four children out of a test (oldest is currently in 12<sup>th</sup> grade)...until the SBAC. None of my children will ever take the SBAC!**

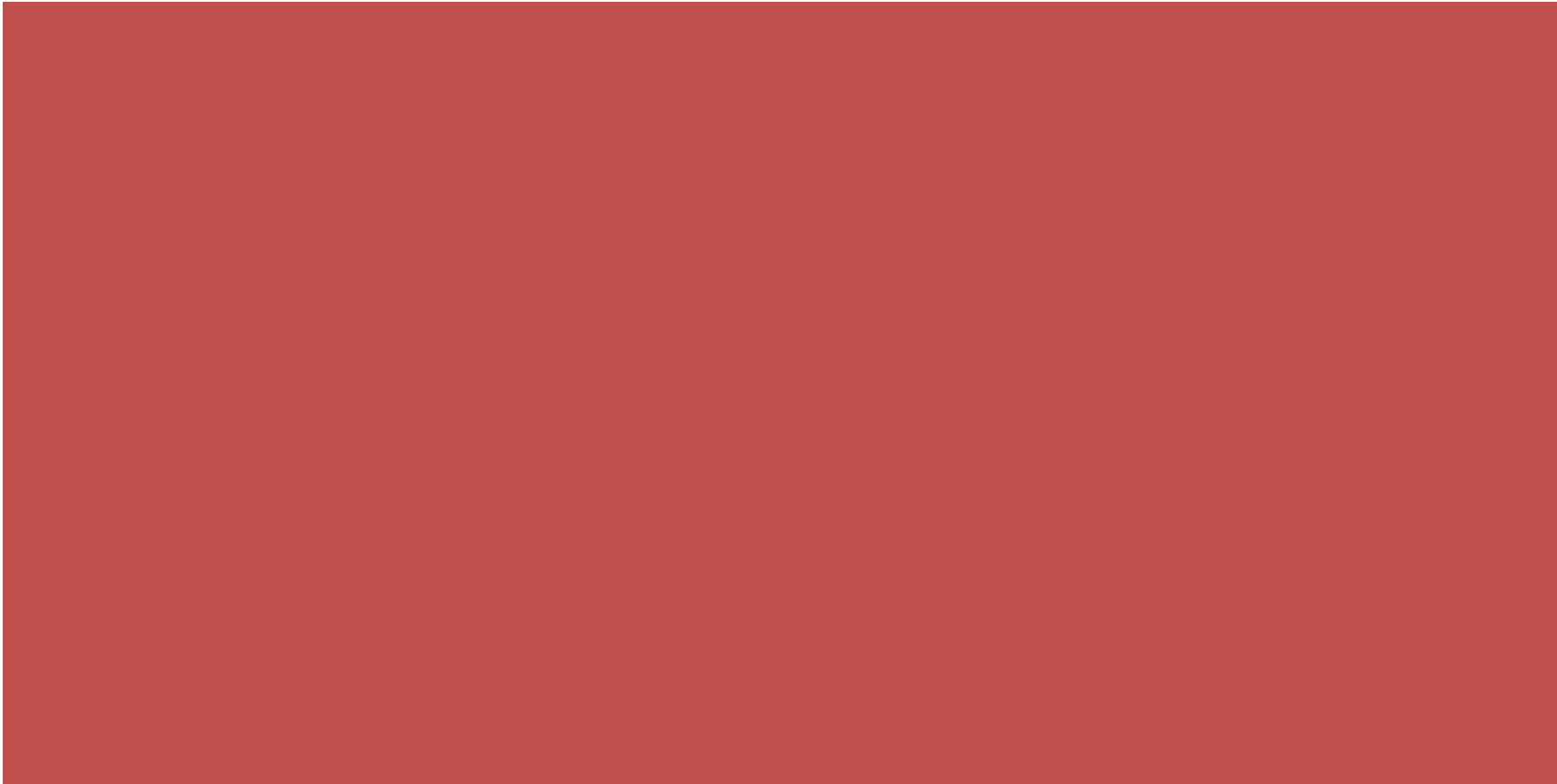
# New York



- **New York State is two years ahead of NV (and the rest of the country) in giving CC tests.**
  - **Spring 2015: State wide NY had 20% of students opt-out of CC tests. Some districts had up to 80% of students opt-out. Higher income areas saw more opt outs...**
  - **They are hoping for 500,000 or about 42%, statewide to opt-out this spring, because:**
    - Math Engage NY which other states (NV?) are using for free. Engage NY = Eureka Math's Great Minds which is the new national math curriculum
    - Teacher evaluations are tied to student test scores like NV
    - SDM
- **The president of the largest teacher's union in NY state suggested parent's opt their children out of CC testing,**  
<http://www.businessinsider.com/teachers-union-president-karen-magee-calls-for-common-core-boycott-2015-3>
- **The president of the second largest teacher's union in the country (AFT), said she supports parent who opt out of CC testing**  
<http://dianeravitch.net/2015/03/31/breaking-news-aft-president-randi-weingarten-endorses-opt-out/>
- **About half the CC states have already dropped the federal government sponsored CC testing (SBAC or PARCC).**

# 1:1 Devices

**Every keystroke will be monitored**



# January 2016 Education Week Reported

- "Just last month (12/1/15), for example, the Electronic Frontier Foundation filed a complaint with the Federal Trade Commission. It alleges, among other charges, that Google is violating the voluntary Student Privacy Pledge by tracking the millions of students...THEN USING THE INFORMATION TO CREATE BEHAVIORAL PROFILES."

<http://www.edweek.org/ew/articles/2016/01/13/analytics-in-k-12-schools-big-data-or.html?cmp=eml-sb-sr-etdr-20160113>

[http://blogs.edweek.org/edweek/DigitalEducation/2015/12/complaint\\_accuses\\_google\\_of\\_br.html](http://blogs.edweek.org/edweek/DigitalEducation/2015/12/complaint_accuses_google_of_br.html)

<https://www.eff.org/document/ftc-complaint-google-education>

# On January 13, 2016

- **The Nevada Commission on Educational Technology authorized \$20 Million to be spent on Google Chromebook 1:1 devices**

<http://www.prnewswire.com/news-releases/ctl-awarded-contract-for-state-of-nevada-11-initiative-300203737.html>

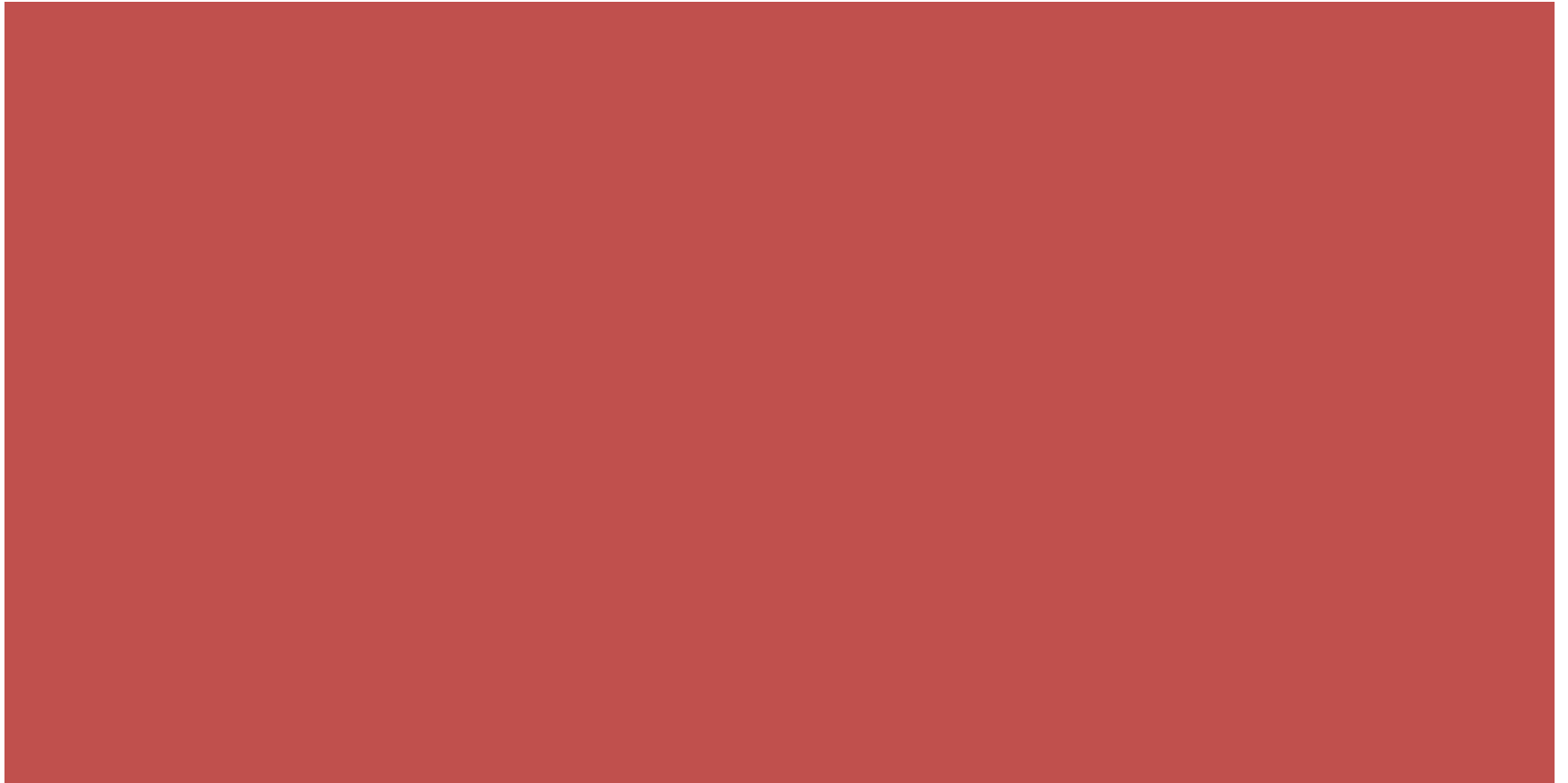
- **In other words NV will spend \$20 Million so Google can develop “Behavioral Profiles” on our children!**

- **I believe Paul Anderson and Scott Hammond were both on the Commission**

[http://www.doe.nv.gov/Boards\\_Commissions\\_Councils/Commission\\_Education\\_Technology/Members/](http://www.doe.nv.gov/Boards_Commissions_Councils/Commission_Education_Technology/Members/)



# **How Can Student Data Be Mined, Stored, and Shared Without Parent Consent?**



- **BECAUSE FERPA (Family Education Rights and Privacy Act) was gutted in two steps:**

# Step One

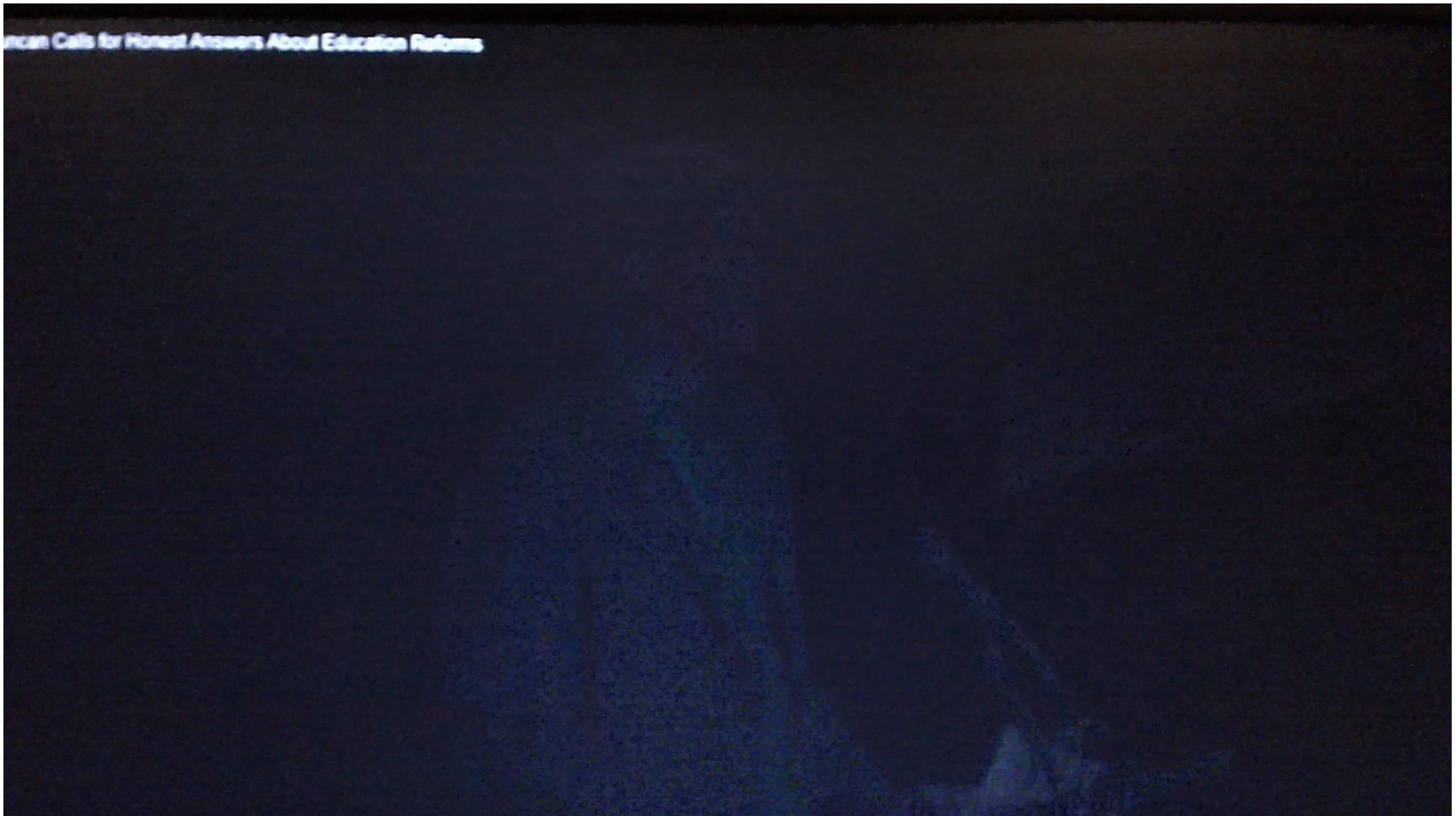
- **In 2008, under President George W. Bush the United States Department of Education (US DoE) quietly rewrote the regulations governing FERPA.**
- **“...reinterpreted FERPA to allow states, school districts, and schools themselves to share Personally Identifiable Information (PII) from student records without parental notice or consent...”**

**Basically, third parties that have a contract with an educational agency can get access to PII.**

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/ExhibitDocument/OpenExhibitDocument?exhibitId=11699&fileDownloadName=SB%20228%20William%20Estrada%20Testimony.pdf>

# In 2009 Arne Duncan US Secretary of Education:

<https://www.youtube.com/watch?v=9frsExQgxVo&feature=youtu.be&t=262>



- **“Hopefully, someday, we can track children from preschool to high school and from high school to college and college to career.”**
- **In 2009 Arne also said, “We want to see more states build comprehensive systems that track students from pre-K through college and then link school data to workforce data.”**

<http://www2.ed.gov/news/speeches/2009/06/06082009.html>

**Paul Gammill** took office in January 2009 as the top federal official charged with protecting student privacy.

**Inside Higher Ed. (Education Week quotes), reported:**

- In internal meetings and documents **Gammill said, “the department’s approach to prodding states to expand their LDS’s violates FERPA”**
- **Gammill also said, “the administration was throwing its weight (and money) behind building statewide data systems as an end-around the Congressional ban on a federal system”**

<https://www.insidehighered.com/news/2010/02/01/ferpa>

[http://blogs.edweek.org/edweek/inside-school-research/2010/02/the\\_movement\\_to\\_build\\_longitud.html](http://blogs.edweek.org/edweek/inside-school-research/2010/02/the_movement_to_build_longitud.html)

**In January 2010 Mr. Gammill was fired, Mr. Gammill filed a whistleblower lawsuit**

<https://www.courtlistener.com/opinion/2659781/gammill-v-us-department-of-education/>

# **In February 2010 Chairman U.S. Committee on Education and Labor John Kline wrote a letter to Arne Duncan**

- **“The Department’s (U.S. DoE) effort to shepherd states towards the creation of a de facto national student database raises serious legal and prudential questions.”**

<http://www.scribd.com/doc/284862429/Letter-From-House-Committee-on-Education-and-Labor#scribd>

# May 2011

During Step Two of FERPA being “gutting” – the **ACLU** sent a letter to the US DoE

- **“The changes pose serious privacy concerns. PII student records include extremely sensitive information about individuals...Furthermore, the expansion of access to student records could eventually lead to sharing among states. If this were to happen, it could lead to the creation of an immense data base holding sensitive information about most Americans...There must be no creation of a national student data base.”**

<https://www.leg.state.nv.us/App/NELIS/REL/78th2015/ExhibitDocument/OpenExhibitDocument?exhibitId=11699&fileDownloadName=SB%20228%20William%20Estrada%20Testimony.pdf>

[https://www.aclu.org/files/assets/ACLU\\_Comments\\_on\\_Changes\\_to\\_the\\_Family\\_Educational\\_Rights\\_and\\_Privacy\\_Act\\_FERPA.pdf](https://www.aclu.org/files/assets/ACLU_Comments_on_Changes_to_the_Family_Educational_Rights_and_Privacy_Act_FERPA.pdf)



# Gutting of FERPA Step Two

- Happened **12/02/11** under President Obama - the regulations governing FERPA were rewritten allowing for the disclosure of PII, without parental consent, **“to any outside organization for research”** (the purpose of conducting studies or audits of the effectiveness of an educational program)
- In addition the new regulations allowed non-governmental actors to be defined as **“authorized representatives”** so that they could have access to students' PII

# So by the end of 2011

Arne Duncan had part of what he said he wanted he wanted in 2009...

The ability of local schools, school districts, states, and third parties, to:

1. “track children from pre-K to the work force,” and
2. share student PII

*Without parent knowledge or consent!*

Then he moved to building comprehensive systems that track individual students from cradle to grave.

# After the final gutting of FERPA

The federal government spent over \$612,000,000 to ensure at least 47 states, all but Wyoming, New Mexico, and Alabama [I think], have Statewide Longitudinal Data System's (SLDS) that are compatible...

<http://nces.ed.gov/Programs/SLDS/stateinfo.asp>

# Nevada's Statewide Longitudinal Data System (NSLDS), renamed "NPWR"

- ...was created with a total of \$10,000,000 in grants from the federal government.

<https://nces.ed.gov/Programs/SLDS/pdf/Nevadaabstract.pdf>

<https://nces.ed.gov/Programs/SLDS/pdf/nevadaabstract2012.pdf>

<http://www.reviewjournal.com/news/education/nevadas-new-super-data-system-makes-school-records-permanent>

<http://npwr.nv.gov/about>

# Sept 2015 National Review Agreed with ACLU's letter from 2011...

- "...the potential for abuse of personal data is substantially greater in the case of Common Core than in the matter of national security surveillance. **With Common Core we are talking about databases capable of tracking every American individual from kindergarten through adulthood, and tremendous potential for the sharing of data with not only government but private groups (balanced against assurances of privacy that seem decidedly weak and unreliable)...There is still a very real possibility that Common Core will usher in cradle-to-grave dossiers on every American.**"

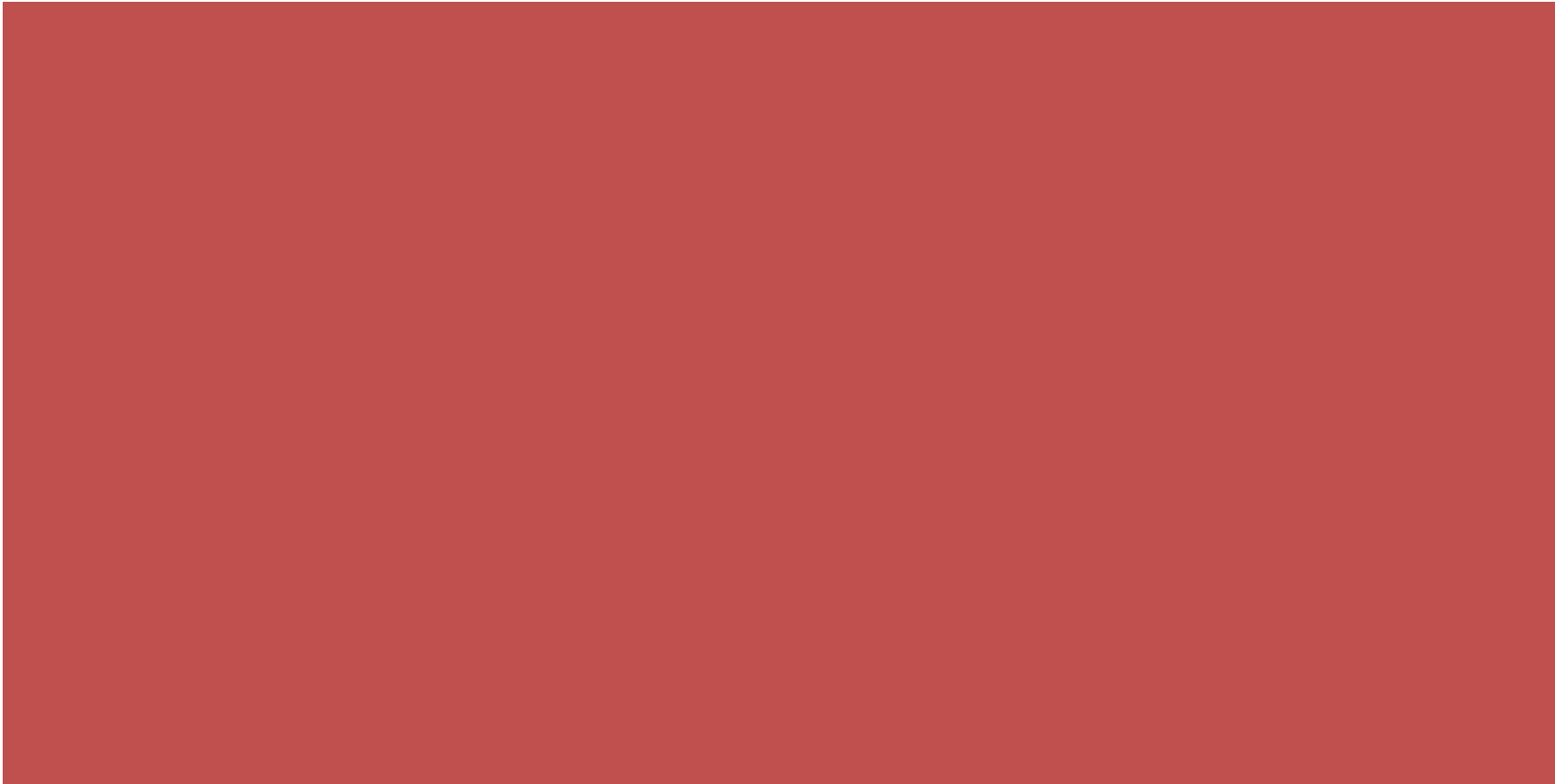
# **On about 1/20/16 the ACLU released and Act titled:**

- **AN ACT TO PROTECT STUDENT PRIVACY WITH RESPECT TO ELECTRONIC DATA**
- **Some of sections are titled:**
  - **Student Information Systems (SAIN, NPWR, Infinite Campus)**
  - **1-to-1 Programs (1:1 Devices)**

<https://www.aclu.org/legal-document/student-data-privacy-omnibus-model-legislation>

# **How Often do the ACLU & National Review Agree?**

# What Data Will Be Collected?





- **The US DoE (National Center for Education Statistics ) suggests over 400 “Attributes” of data should be collected. Not completed yet...**
- Attributes
  - “IP address” It might be of the 1 to 1 device you child uses
  - Identification System – Personal Identification Number and Social Security Number

<http://nces.ed.gov/forum/datamodel/eiebrowser/techview.aspx?instance=studentElementarySecondary>

# One of the 400 Attributes

## One is Activity Type

- Code Set:
- 4 H - N/A
- Academic team/knowledge bowl - N/A
- Archery - N/A
- Art and graphic design - N/A
- Art club - N/A
- Astronomy club - N/A
- Badminton - N/A
- Band - N/A
- Baseball - N/A
- Basketball - N/A
- Bowling - N/A
- Boxing - N/A
- Boy Scouts - N/A
- Broadcasting - N/A
- **Business Professionals of America - N/A**
- Cheerleading - N/A
- Chess club - N/A
- Chorus - N/A
- Computer club - N/A
- Crew - N/A
- Cross country - N/A
- Dance - N/A
- Dance team - N/A
- Distributive Education Clubs of America (DECA) - N/A
- Diving - N/A
- Drama club - N/A
- Drill team - N/A
- Environmental club - N/A
- Family consumer science - N/A
- Family, Career and Community Leaders of America - N/A
- Fencing - N/A
- Field hockey - N/A
- Flag football - N/A
- Football - N/A
- Fraternity - N/A
- **Future Business Leaders of America - Phi Beta Lambda (FBLA - PBL) - N/A**
- **Future Teachers of America - N/A**
- Girl Scouts - N/A
- Golf - N/A
- Gymnastics - N/A

- **Health Occupations Students of America** - N/A
- **Honor society** - An association that receives into membership students who have achieved high scholarship and, frequently, who also fulfill established requirements for distinction in leadership or citizenship.
- **Ice hockey** - N/A
- **Jazz ensemble** - N/A
- **Journalism** - N/A
- **Judo** - N/A
- **Key Club** - N/A
- **Lacrosse** - N/A
- **Language club** - N/A
- **Literary magazine** - N/A
- **Martial arts** - N/A
- **Model United Nations** - N/A
- **Music - instrumental** - N/A
- **Music - theory and composition** - N/A
- **Music - vocal** - N/A
- **National Forensic League** - N/A
- **National Future Farmers of America (FFA)** - N/A
- **Newspaper** - N/A
- **Orchestra** - N/A
- **Other** - N/A
- **Other music** - N/A
- **Other performing arts** - N/A
- **Other sport** - N/A
- **Peer counseling** - N/A
- **Polo** - N/A
- **Power lifting** - N/A
- **Racquetball** - N/A
- **Red Cross** - N/A
- **Religious/Faith** - N/A
- **Rodeo** - N/A
- **Rugby** - N/A
- **Sailing** - N/A
- **School spirit/Pep club** - N/A
- **Science club** - N/A
- **Scuba diving** - N/A
- **Service club** - N/A
- **Skiing** - N/A
- **Soccer** - N/A
- **Softball** - N/A
- **Sorority** - N/A
- **Speech/debate** - N/A
- **Squash** - N/A
- **Stock market club** - N/A
- **Student Council/Government** - N/A
- **Students Against Destructive Decisions (SADD)** - N/A
- **Swimming** - N/A
- **Synchronized swimming** - N/A
- **Team handball** - N/A

- **Technology Student Association (TSA) - N/A**
- **Tennis - N/A**
- **Theater/drama - N/A**
- **Thespian Society - N/A**
- **Track and field - N/A**
- **Tutoring - N/A**
- **Vocational Industrial Clubs of America - N/A**
- **Volleyball - N/A**
- **Water polo - N/A**
- **Wrestling - N/A**
- **Year book - N/A**
- **Young Democrats/Republicans/Other political - N/A**

# One of the 400 Attributes - Diseases, Illnesses, and other Health Conditions

- Code Set:
- Abnormal findings on diagnostic imaging and in function studies, without diagnosis - N/A
- Abnormal findings on examination of blood, without diagnosis - N/A
- Abnormal findings on examination of other body fluids, substances and tissues, without diagnosis - N/A
- Abnormal findings on examination of urine, without diagnosis - N/A
- Accidents - N/A
- Acute rheumatic fever - N/A
- Aplastic and other anaemias - N/A
- Arthropathies - N/A
- Arthropod-borne viral fevers and viral haemorrhagic fevers - N/A
- Assault - N/A
- Bacterial agents resistant to antibiotics - N/A
- Bacterial, viral and other infectious agents - N/A
- **Behavioural and emotional disorders with onset usually occurring in childhood and adolescence - N/A**
- **Behavioural syndromes associated with physiological disturbances and physical factors - N/A**
- Benign neoplasms - N/A
- Birth trauma - N/A
- Bullous disorders - N/A
- Burns and corrosions - N/A
- Burns and corrosions confined to eye and internal organs - N/A
- Burns and corrosions of external body surface, specified by site - N/A
- Burns and corrosions of multiple and unspecified body regions - N/A
- Cerebral palsy and other paralytic syndromes - N/A
- Cerebrovascular diseases - N/A
- Certain disorders involving the immune mechanism - N/A
- Certain early complications of trauma - N/A
- Certain zoonotic bacterial diseases - N/A
- Chromosomal abnormalities, not elsewhere classified - N/A
- Chronic rheumatic heart diseases - N/A
- Cleft lip and cleft palate - N/A
- Coagulation defects, purpura and other haemorrhagic conditions - N/A
- Complications of labour and delivery - N/A
- Complications of medical and surgical care - N/A
- Complications of surgical and medical care, not elsewhere classified - N/A
- Complications predominantly related to the puerperium - N/A
- Conditions involving the integument and temperature regulation of fetus and newborn - N/A
- Congenital malformations and deformations of the musculoskeletal system - N/A
- Congenital malformations of eye, ear, face and neck - N/A
- Congenital malformations of genital organs - N/A
- Congenital malformations of the circulatory system - N/A
- Congenital malformations of the nervous system - N/A
- Congenital malformations of the respiratory system - N/A
- Congenital malformations of the urinary system - N/A

- Delivery - N/A
- Demyelinating diseases of the central nervous system - N/A
- Dermatitis and eczema - N/A
- Diabetes mellitus - N/A
- Digestive system disorders of fetus and newborn - N/A
- Diseases of appendix - N/A
- Diseases of arteries, arterioles and capillaries - N/A
- Diseases of external ear - N/A
- Diseases of inner ear - N/A
- Diseases of liver - N/A
- **Diseases of male genital organs - N/A**
- Diseases of middle ear and mastoid - N/A
- Diseases of myoneural junction and muscle - N/A
- Diseases of oesophagus, stomach and duodenum - N/A
- Diseases of oral cavity, salivary glands and jaws - N/A
- Diseases of peritoneum - N/A
- Diseases of veins, lymphatic vessels and lymph nodes, not elsewhere classified - N/A
- Disorders of adult personality and behaviour - N/A
- **Disorders of breast - N/A**
- Disorders of choroid and retina - N/A
- Disorders of conjunctiva - N/A
- Disorders of eyelid, lacrimal system and orbit - N/A
- Disorders of gallbladder, biliary tract and pancreas - N/A
- Disorders of lens - N/A
- Disorders of ocular muscles, binocular movement, accommodation and refraction - N/A
- Disorders of optic nerve and visual pathways - N/A
- Disorders of other endocrine glands - N/A
- **Disorders of psychological development - N/A**
- Disorders of sclera, cornea, iris and ciliary body - N/A
- Disorders of skin appendages - N/A
- Disorders of thyroid gland - N/A
- Disorders of vitreous body and globe - N/A
- Disorders related to length of gestation and fetal growth - N/A
- Dorsopathies - N/A
- Effects of foreign body entering through natural orifice - N/A
- Episodic and paroxysmal disorders - N/A
- Event of undetermined intent - N/A
- Extrapyrmidal and movement disorders - N/A
- **Fetus and newborn affected by maternal factors and by complications of pregnancy, labour and deliver - N/A**
- Frostbite - N/A
- General symptoms and signs - N/A
- Glaucoma - N/A
- Glomerular diseases - N/A
- Haemolytic anaemias - N/A
- Haemorrhagic and haematological disorders of fetus and newborn - N/A
- Helminthiasis - N/A
- Hernia - N/A
- Human immunodeficiency virus [HIV] disease - N/A
- Hypertensive diseases - N/A
- Ill-defined and unknown causes of mortality - N/A

- In situ neoplasms - N/A
- Infections of the skin and subcutaneous tissue - N/A
- Infections specific to the perinatal period - N/A
- Infections with a predominantly sexual mode of transmission - N/A
- Inflammatory diseases of female pelvic organs - N/A
- Inflammatory diseases of the central nervous system - N/A
- Injuries involving multiple body regions - N/A
- Injuries to the abdomen, lower back, lumbar spine and pelvis - N/A
- Injuries to the ankle and foot - N/A
- Injuries to the elbow and forearm - N/A
- Injuries to the head - N/A
- Injuries to the hip and thigh - N/A
- Injuries to the knee and lower leg - N/A
- Injuries to the neck - N/A
- Injuries to the shoulder and upper arm - N/A
- Injuries to the thorax - N/A
- Injuries to the wrist and hand - N/A
- Injuries to unspecified part of trunk, limb or body region - N/A
- **Intentional self-harm - N/A**
- Intestinal infectious diseases - N/A
- Ischaemic heart diseases - N/A
- Legal intervention and operations of war - N/A
- Malignant neoplasms - N/A
- Malnutrition - N/A
- Maternal care related to the fetus and amniotic cavity and possible delivery problems - N/A
- **Mental and behavioural disorders due to psychoactive substance use - N/A**
- Metabolic disorders - N/A
- **Mood [affective] disorders - N/A**
- Mycoses - N/A
- Neoplasms of uncertain or unknown behaviour - N/A
- Nerve, nerve root and plexus disorders - N/A
- Neurotic, stress-related and somatoform disorders - N/A
- Noninfective enteritis and colitis - N/A
- Noninflammatory disorders of female genital tract - N/A
- Nutritional anaemias - N/A
- **Obesity and other hyper alimentation - N/A**
- Oedema, proteinuria and hypertensive disorders in pregnancy, childbirth and the puerperium - N/A
- Organic, including symptomatic, mental disorders - N/A
- Osteopathies and chondropathies - N/A
- Other - N/A
- Other and unspecified disorders of the circulatory system - N/A
- Other and unspecified effects of external causes - N/A
- Other bacterial diseases - N/A
- Other congenital malformations - N/A
- Other congenital malformations of the digestive system - N/A
- Other degenerative diseases of the nervous system - N/A
- Other diseases caused by chlamydiae - N/A
- Other diseases of blood and blood-forming organs - N/A
- Other diseases of intestines - N/A
- Other diseases of the digestive system - N/A
- Other diseases of urinary system - N/A
- Other disorders of ear - N/A

- Other disorders of eye and adnexa - N/A
- Other disorders of genitourinary tract - N/A
- Other disorders of glucose regulation and pancreatic internal secretion - N/A
- Other disorders of kidney and ureter - N/A
- Other disorders of the musculoskeletal system and connective tissue - N/A
- Other disorders of the nervous system - N/A
- Other disorders of the skin and subcutaneous tissue - N/A
- Other disorders originating in the perinatal period - N/A
- Other forms of heart disease - N/A
- Other infectious diseases - N/A
- Other maternal disorders predominantly related to pregnancy - N/A
- Other nutritional deficiencies - N/A
- Other obstetric conditions, not elsewhere classified - N/A
- Other spirochaetal diseases - N/A
- Other viral diseases - N/A
- Papulosquamous disorders - N/A
- Pediculosis, acariasis and other infestations - N/A
- Persons encountering health services for examination and investigation - N/A
- Persons encountering health services for specific procedures and health care - N/A
- **Persons encountering health services in circumstances related to reproduction - N/A**
- Persons encountering health services in other circumstances - N/A
- Persons with potential health hazards related to communicable diseases - N/A
- Persons with potential health hazards related to family and personal history and certain conditions - N/A
- **Persons with potential health hazards related to socioeconomic and psychosocial circumstances - N/A**
- Poisoning by drugs, medicaments and biological substances - N/A
- Polyneuropathies and other disorders of the peripheral nervous system - N/A
- **Pregnancy with abortive outcome - N/A**
- Protozoal diseases - N/A
- Provisional assignment of new diseases of uncertain etiology - N/A
- Pulmonary heart disease and diseases of pulmonary circulation - N/A
- Radiation-related disorders of the skin and subcutaneous tissue - N/A
- Renal failure - N/A
- Renal tubulo-interstitial diseases - N/A
- Respiratory and cardiovascular disorders specific to the perinatal period - N/A
- Rickettsioses - N/A
- **Schizophrenia, schizotypal and delusional disorders - N/A**
- Sequelae of external causes of morbidity and mortality - N/A
- Sequelae of infectious and parasitic diseases - N/A
- Sequelae of injuries, of poisoning and of other consequences of external causes - N/A
- Soft tissue disorders - N/A
- Supplementary factors related to causes of morbidity and mortality classified elsewhere - N/A
- Symptoms and signs involving cognition, perception, emotional state and behaviour - N/A
- Symptoms and signs involving speech and voice - N/A
- Symptoms and signs involving the circulatory and respiratory systems - N/A
- Symptoms and signs involving the digestive system and abdomen - N/A
- Symptoms and signs involving the nervous and musculoskeletal systems - N/A
- Symptoms and signs involving the skin and subcutaneous tissue - N/A
- Symptoms and signs involving the urinary system - N/A
- Systemic atrophies primarily affecting the central nervous system - N/A
- Systemic connective tissue disorders - N/A
- Toxic effects of substances chiefly nonmedicinal as to source - N/A
- Transitory endocrine and metabolic disorders specific to fetus and newborn - N/A



- Tuberculosis - N/A
- **Unspecified mental disorder - N/A**
- Urolithiasis - N/A
- Urticaria and erythema - N/A
- Viral hepatitis - N/A
- Viral infections characterized by skin and mucous membrane lesions - N/A
- Viral infections of the central nervous system - N/A
- Visual disturbances and blindness - N/A

- **HIPAA rules don't apply!**
- **(Health Insurance Portability and Accountability Act) rules only apply to:**

**Health Care Providers**

**Health Plans**

**Health Care Clearing Houses**

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/index.html>

# CEDS (Common Education Data Standards)

- Washington Post  
"Every SLDS uses the same code to define the data, aligned with the federal CEDS, or Common Education Data Standards, a collaborative effort run by the US Department of Education, 'to develop voluntary, common data standards for a key set of education data elements to streamline the exchange, comparison, and understanding of data within and across P-20W institutions and sectors.'"
- The CEDS include the Diseases, Illnesses, and other Health Conditions, just reviewed.

<https://www.washingtonpost.com/news/answer-sheet/wp/2015/11/12/the-astonishing-amount-of-data-being-collected-about-your-children/>

# The NSLDS (NPWR) is for:

- Pre-K
  - K-12 SAIN (OtisEd helps maintain SAIN)
    - Infinite Campus
  - College
  - Workforce
- “Cradle to grave”

**The data never gets deleted!**

# Infinite Campus Statewide (K-12)

**All of Nevada school districts will be using Infinite Campus Statewide to feed the SAIN system nightly**

<https://thejournal.com/Articles/2015/08/20/Nevada-Selects-Statewide-Data-System.aspx>

- According to the Data Quality Campaign (funded by the largest private funder of Common Core, Bill Gates) **NV is only half way to completion of its data collection system NSLDS (EPWR) – this is the pre-K to work force data tracking system**

<http://dataqualitycampaign.org/your-states-progress/>

- **At the moment the System of Accountability Information in Nevada (SAIN) K-12 is collecting about 200 points of data on every child. Discipline is the field that comes up the most, 8 times. This data will follow students for the rest of their lives... (SAIN Data Directory upper right)**

<http://www.doe.nv.gov/DataCenter/>

[file:///C:/Users/John/Downloads/Data%20Dictionary%207.15%20\(2\).pdf](file:///C:/Users/John/Downloads/Data%20Dictionary%207.15%20(2).pdf)

# What is the NSLDS (NPWR) for:

- <http://npwr.nv.gov/about>

**Less than two months after the final gutting of FERPA (on 1/24/12) Reno NBC News 4 Reported:**



- Joe Hart via the NDE, “The NDE will follow **INDIVIDUAL** student's progress from pre-K through high school all the way to the work force. The system will help **DIRECT** students to the type of college or career ready jobs, and into a field which will allow them a successful outcome for both the student **and their state.**”

<http://www.mynews4.com/news/local/story/Nevada-wins-4-million-grant-for-longitudinal-data/WtdWRiRyv007OmTGIzOdA.csp?rss=3298>



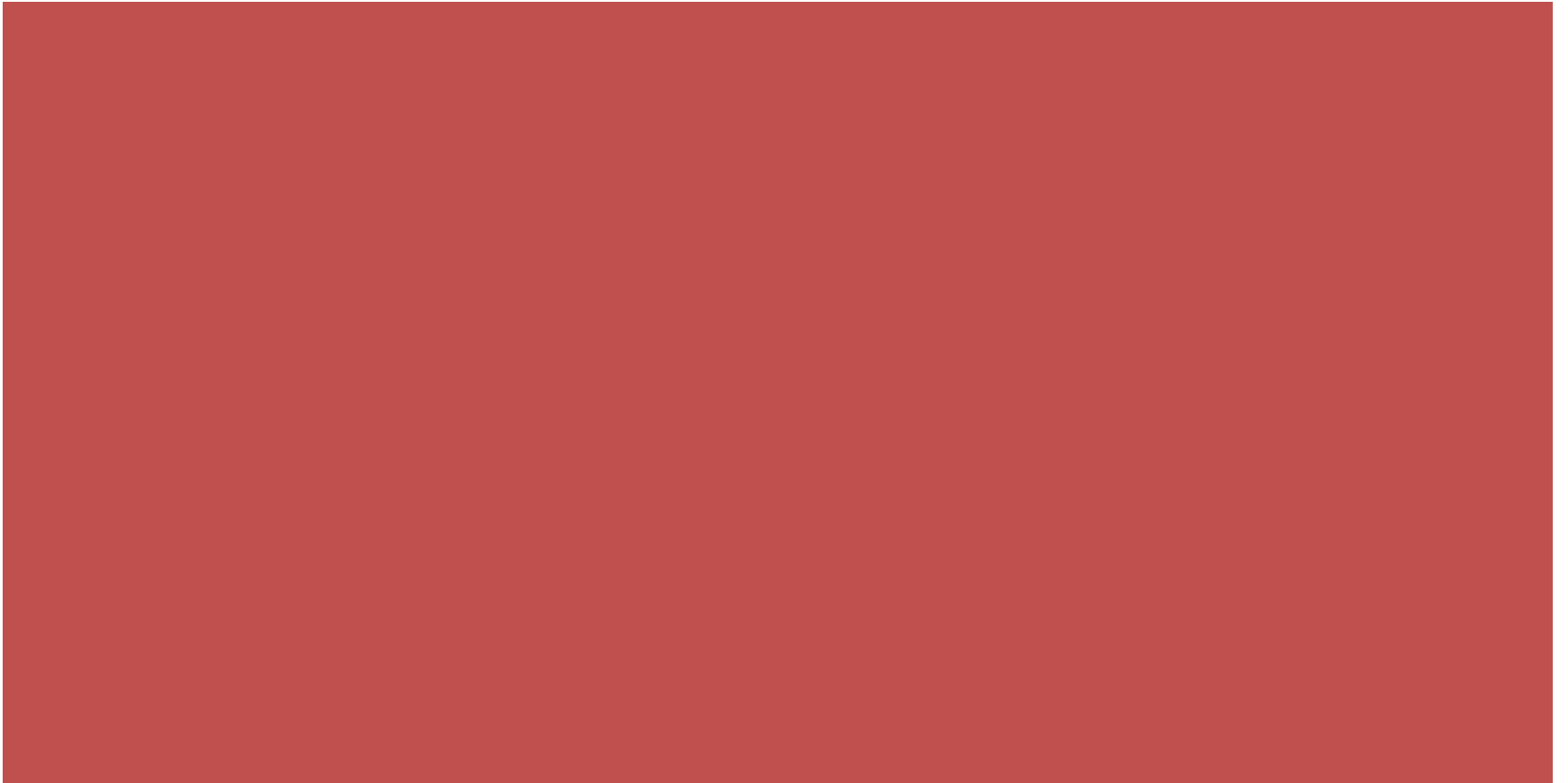
# In the new NV budget

- **\$9 Million and nine new positions over the next two years for the Data Systems Management (DSM), i.e. the SAIN (K-12) and the NPWR (cradle to grave)**

Pages 915-924: [http://budget.nv.gov/uploadedFiles/budgetnvgov/content/StateBudget/2016-2017/Nevada\\_Executive\\_Budget\\_2015-2017.pdf](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/StateBudget/2016-2017/Nevada_Executive_Budget_2015-2017.pdf)

- Will this new money help NPWR get up to 400 attributes the US DoE suggests?

# NV Department of Education



# NV - Only State in Country to take this position

2/07/14

Mr. Eppolito,

The Department's Director of Information Technology, Glenn Myer, has reviewed your request to **receive reports of data for each of your four children that is contained in the SLDS**. He has estimated that **the cost will be approximately \$10,194**, which represents at least three solid weeks (120 hours) of dedicated staff time (billed at \$84.95/hour) to build, test and validate a new application that will be able to display individual student data in a readable format. **Payment of this fee must be made in full before work can begin.**

Please understand that the primary purpose of the Department of Education's SLDS is to support required state and federal reporting, funding of local education agencies, education accountability, and public reporting. The system currently is not capable of responding to the type of individual student data request you have presented. Thus, the extraordinary cost to create a system application that will produce a readable report. Furthermore, data requests outside the scope of the SLDS' current capability must be prioritized and can only be accommodated when staff resources are available. This prioritization will most likely result in **your data request not being fulfilled for several months.**

Please notify me if you would like to proceed with your request.

Judy P. Osgood  
Public Information Officer  
Nevada Department of Education  
700 E. Fifth Street, Suite 100  
Carson City, Nevada 89701  
Office: (775) 687-9201  
Cell: (775) 443-7156  
[josgood@doe.nv.gov](mailto:josgood@doe.nv.gov)

# Then the state said...

- "That means even if the department could obtain the information Eppolito requested, it would be legally constrained in releasing it to him, Osgood said."

<http://www.tahoedailytribune.com/news/11538070-113/data-eppolito-information-privacy>

- **At the Carson City Common Core forum on 5/27/14 Ms. Osgood confirmed even if I pay the \$10,000 I can not have access to my children's data. But it will be shared with US DoE, GAO, companies like Pearson Education, and many others.**

**The U.S. DoE told the NDE: NV they had to allow me to view the data being stored on my children for no charge.**

- **My wife and I spent about 4 hours going over our four children's data with DoE. Here's what we found...**

- **All of our older children had erroneous address under their name; our older children had over 30 erroneous address associated with their accounts**
- My two younger children, were only in NV schools for one year, they both had about 6-8 erroneous address associated with them
- At least some of the erroneous address associated with my children were for other children in WCSD
- In addition there was a lot of “coded” test scores.
- My question is: How do we know the coded test scores are actually scores for my children and not one of the children erroneously associated with my children?
- **Once this came out the NDE told the Nevada Journal: “...the NDE is not aware of any bug or system issue that would cause data inaccuracy and that when it becomes aware that any of its records are incorrect, it takes steps to correct that information.”**

**Possibly the first four children in the Nevada who's SAIN data (200 + pts. of data) was checked was inaccurate. What about the other 400,000 students...**

## **QUESTIONS:**

- 1) When will the pre-K, college, and workforce data be connected to the K-12 data?**
- 2) What will they do with all this data?**
- 3) Is it accurate?**
- 4) Can they keep it safe?**

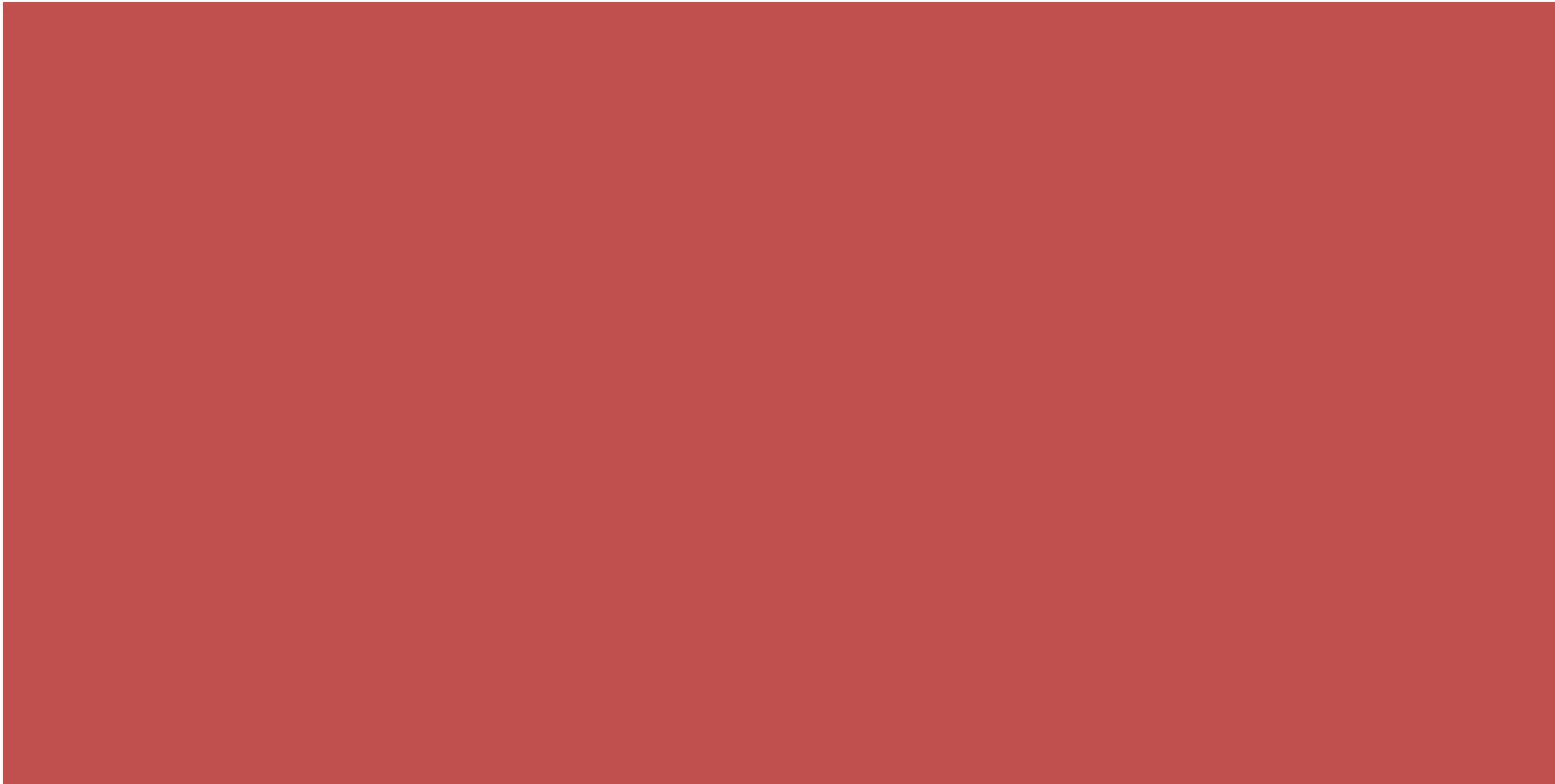
# **Other Ways Student Data will be Mined!**





- **Online school accounts, software, or programs**
  - **Anything students have to log into is suspect: Google, Apple, Microsoft; any third party software**
- **WCSD Multi-Tiered System of Support – Started around 2011-12 – It is where the Counselor, Principal, School Psychologist, Teacher, School Nurse – can enter (non-educational) data on students in Infinite Campus.**
- **School Surveys**

# US DoE and Third Parties



# On 10/09/12 just 10 months after the final gutting of FERPA The U.S. DoE's held its First Ever Datapalooza

<https://storify.com/usedgov/education-datapalooza>

Knewton - Education Datapalooza - YouTube - Internet Explorer

https://www.youtube.com/watch?v=Lr7Z7ys

File Edit View Favorites Tools Help

YouTube

Knewton - Education Datapalooza

Office of Ed Tech

Subscribe 1,609

16,492

+ Add to Share More

28 63

Up next

Autopl

Dr. Duke Pesta on Common Co  
Shocking Sexual Education Sta  
by VisionLiberty  
14,191 views

Common Core Data Mining and  
Protect Your Child  
by William DeHuff  
3,290 views

Data Collection Under Common Core in NC:  
Pearson & Knewton  
by Nicole Revels Media  
890 views

Knewton Adaptive Learning Platform -  
Tutorial Video  
by KnewtonGMAT  
27,338 views

Jose Ferreira: Students, Learning Paths, and  
Technology  
by Stanford Graduate School of Business  
1,544 views

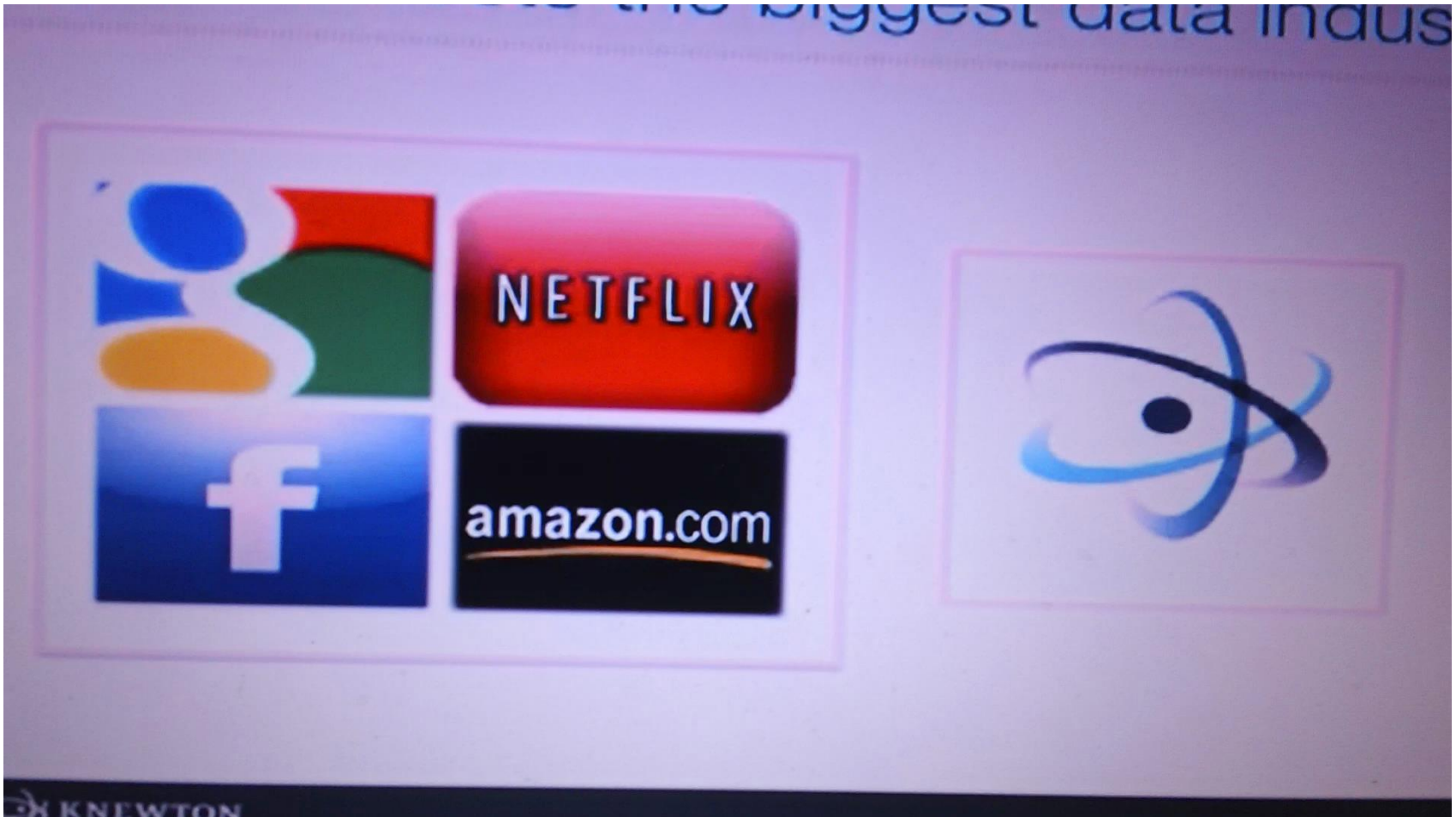
NASA: The End Of Mankind "Leaked  
Document" 2013  
by ADGUKNEWS  
Recommended for you

Start

8:14 AM  
9/26/2015

# Knewton was one the companies that spoke CEO Jose Ferreira,

<https://www.youtube.com/watch?v=Lr7Z7ysDluQ>



- **Jose Ferreira, “Education happens to be today the world’s most data minable industry by far, and it’s not even close.”**

# **Mr. Ferreira also said,**

- **“...By next year [2013] we will have close to 10 million students, and that’s just through our Pearson partnership.”**

# How much do they know about each student?



- **"WE LITERALLY HAVE MORE DATA ABOUT OUR STUDENTS THAN ANY COMPANY HAS ABOUT ANYBODY ELSE HAS ABOUT ANYTHING AND IT'S NOT EVEN CLOSE."**



# Companies that may be affiliated with Knewton and/or already in NV schools

- Edmodo
- SchoolTube
- Glogster
- Prezi
- Diigo
- Quizlet
- Wordle

# **Who owns your child's Personally Identifiable Information?**



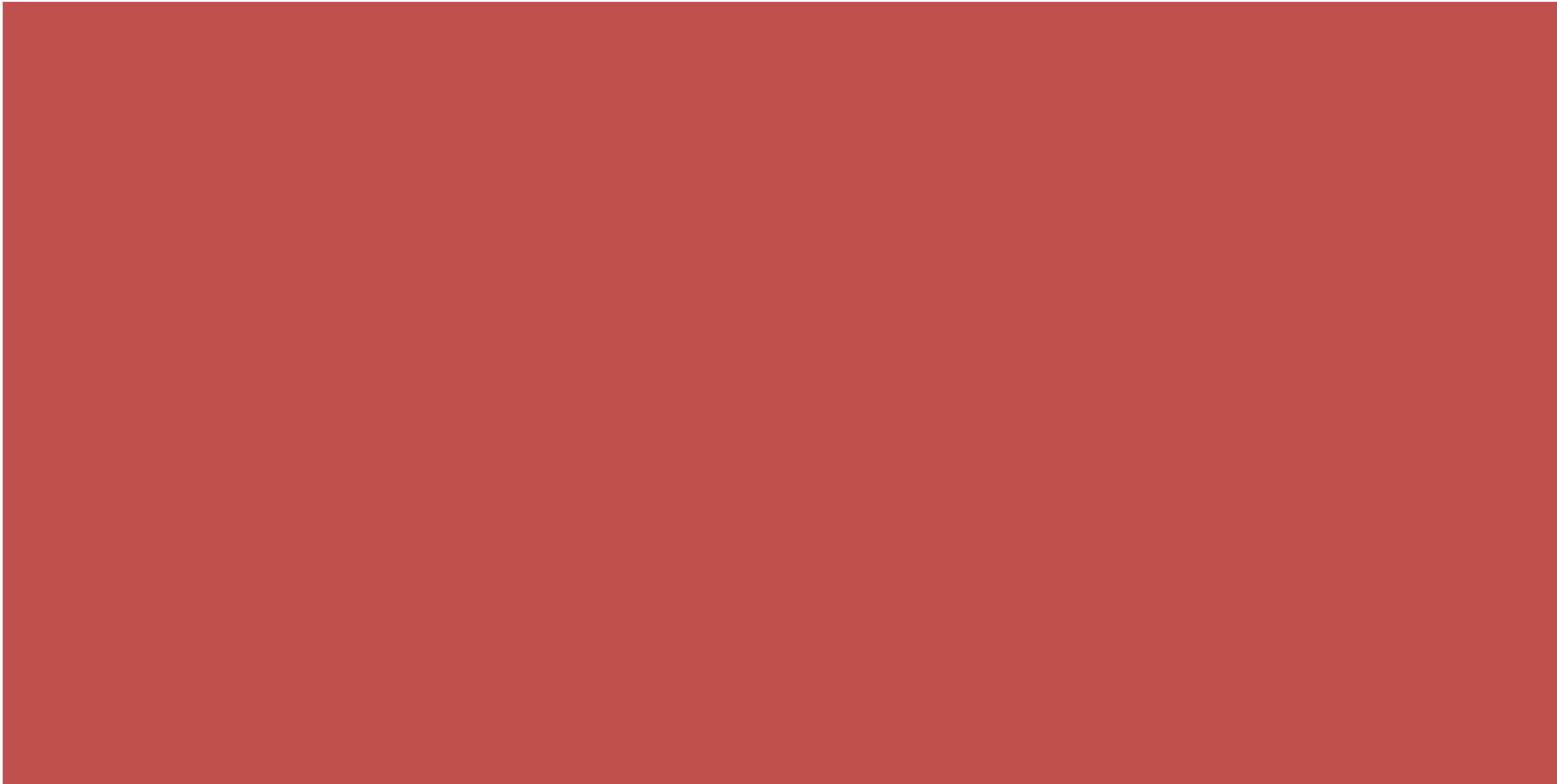
# SB 463

- Originally had Section 1.25 which stated. “the educational records of a pupil, including the personally identifiable information (PII) contained in such records, belong to the pupil and his or her parent or legal guardian”
- At the 11<sup>th</sup> hour Amendment 934 removed section 1.25. No one can tell me who is responsible for Amendment 934: I asked CCSD, WCSD, the NDE, and several of the legislators on the education committees, and the author of the bill Senator Becky Harris, none of them know. The bill passed into law without section 1.25.

[https://www.leg.state.nv.us/Session/78th2015/Bills/Amendments/A\\_SB463\\_R2\\_934.pdf](https://www.leg.state.nv.us/Session/78th2015/Bills/Amendments/A_SB463_R2_934.pdf)

- To date no one has been able to tell me who my child’s PII belongs to. We know it does not belong me or my child.

# Several Problems



**1) The SBAC –**

**a) Entities that will get raw SBAC data – AIR, DRC, eMetric, CALDER, CRESST, and SBAC - and what will be done with the raw data**

**b) The fact that SBAC MUST share any and all data collected at the state level with almost anyone who asks. People like Jose...**

**3) The state of Nevada**

**a) SAIN (K-12)**

**b) NPWR (pre-K - death)**

**3) The U.S. DoE 400+ suggested attributes of Student Data to be mined**

**5) Others who mine student data i.e.: Apple, Google, Microsoft, and third parties like Knewton etc.**

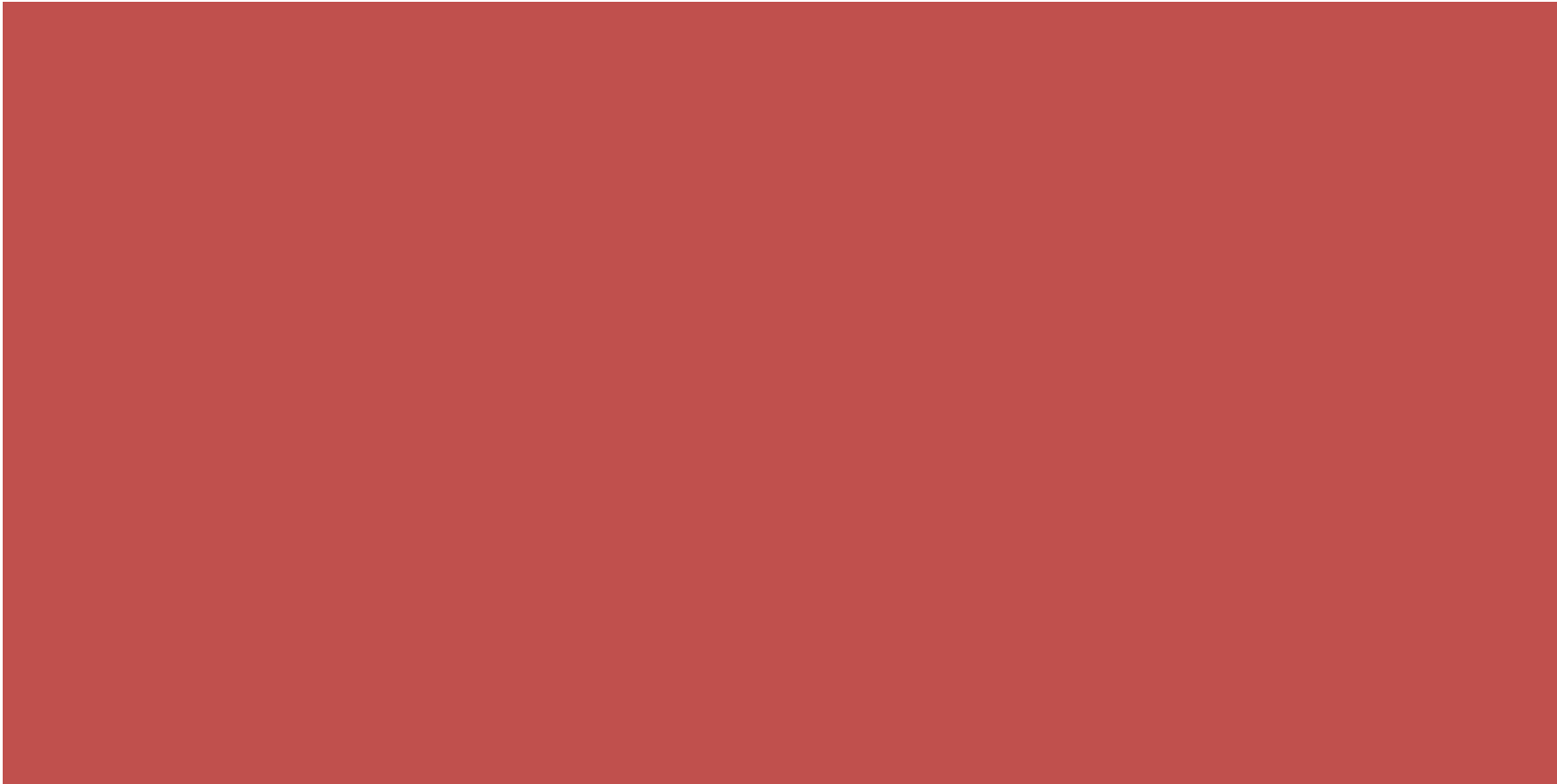
**6) The PII of our children does not belong to us parents or our children...**

**7) Note – The data mining does not apply to children of the leaders like:**

**President Obama; Bill Gates; Former Secretary of Education Arne Duncan; Acting Secretary of Education John King; Governor Sandoval; executives at Pearson Education; and several Nevada Legislators**

**THIS DATA MINING IS FOR OUR CHILDREN NOT THEIRS**

# Data Breach



# Education Week October 2015

Five Article report titled:

A Special Report on Student Data Privacy

One article:

Schools Government Agencies Move to  
Share Student Data

- **"Privacy concerns associated with integrated data systems—including potential breaches, the creation of inaccurate or misleading profiles, and possible stigmatization of children—are immense."**

# Wall Street Journal 2/2/16

## Article titled:

### Washington's Next Hacking Target

- **“If you think the (US) Department of Education is making a mess of the student-loan program you should see how it manages technology...They hold 139 million Social Security numbers. The 2015 internal audit of information security revealed an inability to detect unauthorized devices connecting to the network.”**



# Washington's Next Hacking Target?

If you think the Department of Education is making a mess of the student-loan program, you should see how it manages technology. Recurring failures documented by internal and external auditors have House Oversight Chairman Jason Chaffetz warning that the agency could be Washington's next cyber-disaster.

- The education department doesn't hold nuclear launch codes. But its vast data trove on student-loan borrowers and their parents—and the nearly \$100 billion it disburses in new loans every year—are reason enough to want the bureaucrats to prevent digital intrusions. Mr. Chaffetz says the bureaucracy now holds, among other things, 139 million Social Security numbers in its digital files.

- The stakes go well beyond personal privacy. Federal student loans outstanding exceed \$1 trillion, and Team Obama is trying to forgive those debts. It would add injury to injury if cyber-fraudsters were able to pile on for a taxpayer plundering. A Tuesday oversight hearing will explore the department's failure to protect its information from cyber-attack, as well as the conduct of its chief information officer.

Department of Education Inspector General Kathleen Tighe reported in November that her team has been "finding the same deficiencies over and over again" regarding information security. Since 2009 independent auditors "have found persistent IT control deficiencies in key financial systems," she said.

The 2015 internal audit of information security revealed more problems, including an "inability to detect unauthorized devices connecting to the network." The IG also flagged "key

## An agency holding 139 million Social Security numbers fails cyber test.

weaknesses" in "internal intrusion detection and prevention of system penetrations." Specifically, her team was "able to gain full access to the Department's network and our access went undetected" by both the contractor overseeing the system and the department's information office.

Perhaps this was because the CIO's office was engaged

in other, less pressing matters. Confidential internal documents we have reviewed show that the IG's office has been investigating CIO Danny Harris for years for possible misuse of his position and government property, among other alleged transgressions.

In 2013 Assistant IG William Hamel reported to Deputy Secretary Tony Miller that Mr. Harris "operated outside business ventures" in which he employed department subordinates and received payments from subordinates and others "for installing home theaters and detailing their cars."

Mr. Harris did not return a phone call on Monday, but in his prepared testimony for Tuesday's hearing he says that he has ceased having financial relationships with members of the department, that he made no money on the car detailing, and that he has amended his tax returns to reflect previously unreported income from the home theater installations.

That's good to know, though we hope someone asks Mr. Harris's superiors if they think such behavior is kosher for a senior federal official. After the catastrophic Chinese hack of the Office of Personnel Management, the feds need top-flight information officials—not men or women who view it as a sinecure with plenty of time to run other businesses.

The Wall St. Journal  
P. A12 2-2-16

**Of all the entities that will be getting Student Data, How likely is that all of them will be able to keep the data secure, forever?**

- **In my opinion, it is not a matter of IF the student data will be breached it is a matter of WHEN!**
- **Almost every week we hear of a large data breach**
- **We can't even keep personal information of federal employees safe from (I guess) the Chinese government**

- **No one knows all the implications of having our children's data out there! Once this data is out there we can't take it back.**
- **There have already been numerous (small) STUDENT data breaches around the country.**

There was one the week of 9/28/15.

According to data expert, Tom Considine Fallon, NV "In the first quarter of 2014, 39 reports of data breaches have taken place at schools around the country."

<http://longisland.news12.com/news/sachem-school-district-students-confidential-information-posted-online-1.6407134>

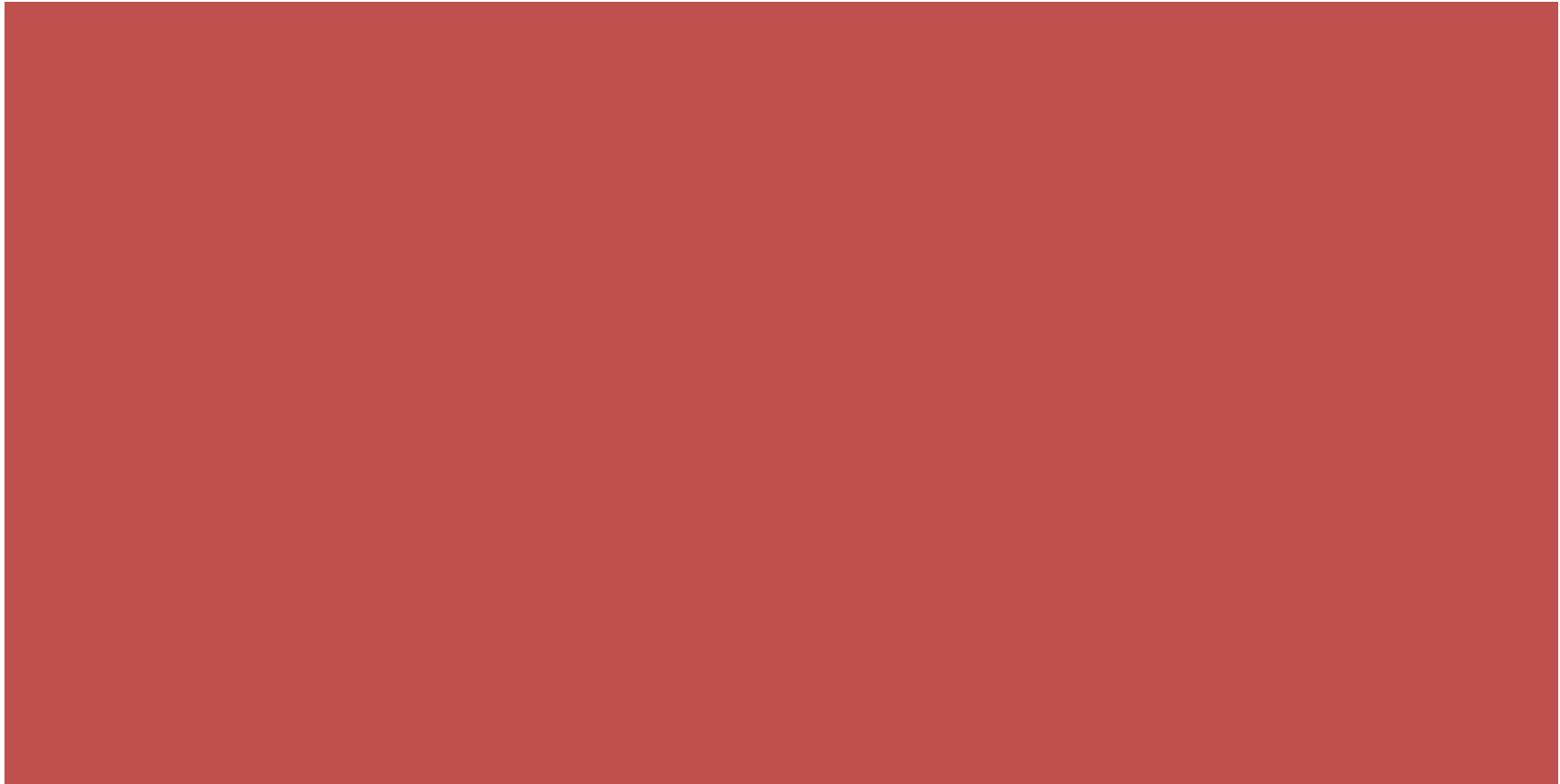
<http://nodatany.wordpress.com/2013/11/09/what-we-fear-is-here-seen-with-my-own-eyes/>

<http://www.nevadaappeal.com/news/lahontanvalley/10952141-113/core-eppolito-common-standards>

<http://www.databreachtoday.com/>

**No one can guarantee us  
our children's data will  
be safe from hackers!**

**Some are writing about Student Data Mining – BUT NOT MANY PEOPLE IN POWER ARE DOING MUCH!**



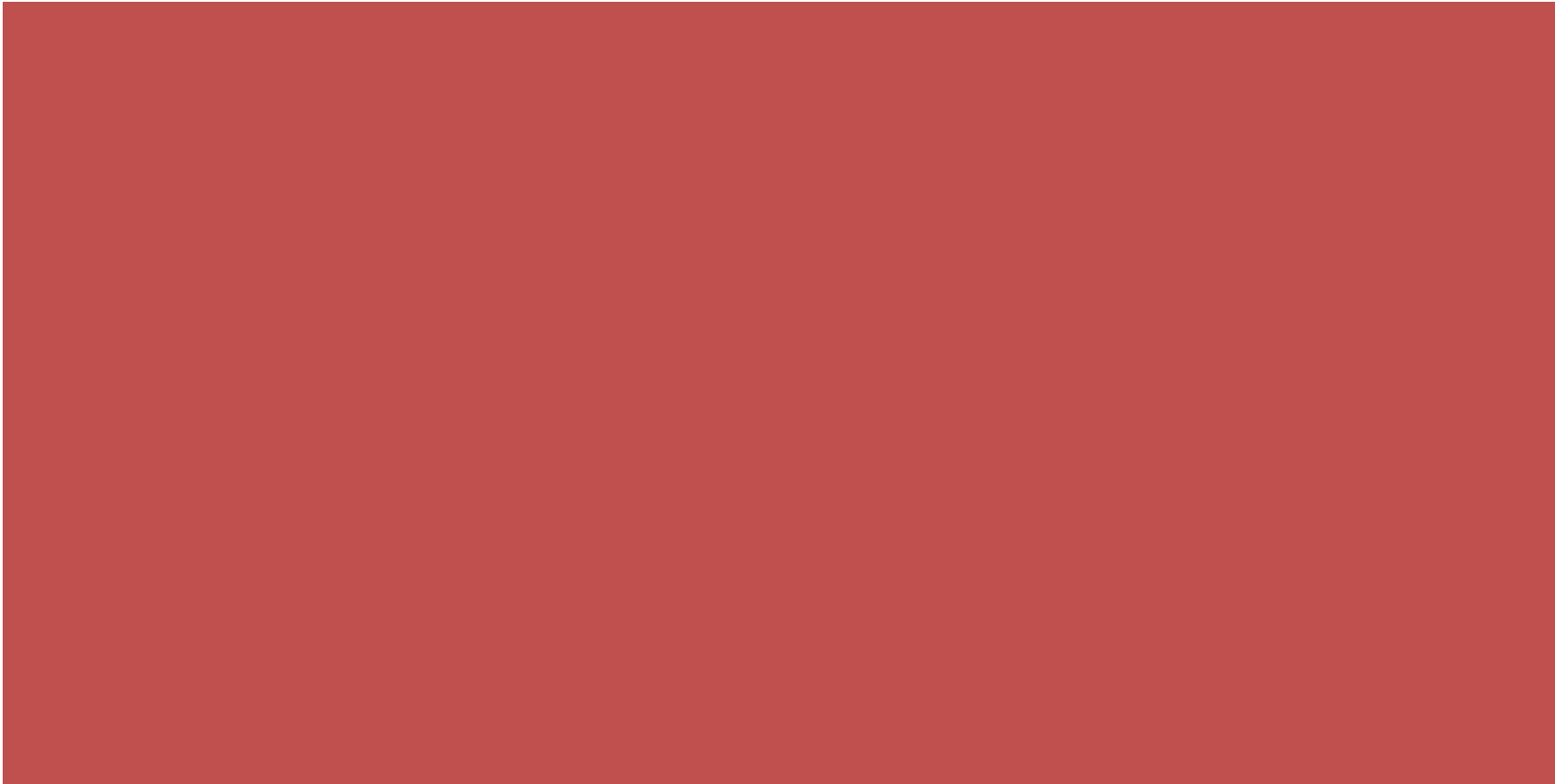
# Here a few over a nine month period in 2014

- **Washington Post** - Why a 'Student Privacy Bill of Rights' is Desperately Needed  
<https://www.washingtonpost.com/blogs/answer-sheet/wp/2014/03/06/why-a-student-privacy-bill-of-rights-is-desperately-needed/>
- **Huffington Post** – Google Apps for Education: Data Mining and the Threat to Student Privacy  
[http://www.huffingtonpost.com/sue-scheff/google-apps-for-education\\_b\\_5083478.html](http://www.huffingtonpost.com/sue-scheff/google-apps-for-education_b_5083478.html)
- **Politico** – The big biz. of spying on little kids  
<http://www.politico.com/story/2014/05/data-mining-your-children-106676>
- **Huffington Post** – Students: The One Group Missing From Student Data Privacy Laws and Bills  
[http://www.huffingtonpost.com/larry-magid/the-one-group-missing-from-student-data-privacy-laws-and-bills\\_b\\_7446242.html](http://www.huffingtonpost.com/larry-magid/the-one-group-missing-from-student-data-privacy-laws-and-bills_b_7446242.html)
- **Chicago Tribune** – Student computer use raises privacy questions  
<http://www.chicagotribune.com/news/ct-school-tablets-privacy-met-20140928-story.html>
- **Fox News** – Critics say Common Core includes collecting psych data on kids  
<http://www.foxnews.com/us/2014/12/07/womb-to-workforce-anti-common-core-advocates-allege-data-mining-on-students/>
- **NY Times** – Student Data Collection Is Out of Control  
<http://www.nytimes.com/roomfordebate/2014/09/24/protecting-student-privacy-in-online-learning/student-data-collection-is-out-of-control>
- There are a lot more articles out there now

# If you only read AND SHARE one SDM article make it...

- The Washington Post article published 11/12/15 title, The astonishing amount of data being collected about your children  
[https://www.washingtonpost.com/news/answer-sheet/wp/2015/11/12/the-astonishing-amount-of-data-being-collected-about-your-children/#st\\_refDomain=&st\\_refQuery=](https://www.washingtonpost.com/news/answer-sheet/wp/2015/11/12/the-astonishing-amount-of-data-being-collected-about-your-children/#st_refDomain=&st_refQuery=)
- Only one State Department of Education is mentioned...it was Nevada's

# What Can You Do to protect your children?





- **DO NOT LET YOUR CHILD TAKE THE SBAC!**
- **Do not let your child use a 1:1 device at school**
- **Sign & Share Pupil Information and Privacy Protection Petition**  
<https://nebula.wsimg.com/4ddd8f529db515f2f229b7b479c6a15a?AccessKeyId=C3981F8CAAAD55AAC083&disposition=0&alloworigin=1>
- **Learn what is in your child's Infinite Campus (IC) account.**  
<https://www.washingtonpost.com/news/answer-sheet/wp/2015/10/23/teacher-sometimes-i-feel-like-being-a-teacher-in-the-public-school-system-is-like-being-in-a-dysfunctional-relationship/>
- **Either: 1) Keep track of what your child does on-line while at school, or 2) Don't allow them to go on-line.**
- **Help get the word out, especially about the SBAC, 1:1 devices – you can use this presentation and/or the Wash. Post article**
- **Educate parents, community leaders, and educators**
- **Educate then ask political candidates what they will do to protect our children's data: i.e. will they sign the Petition above**
- **Donate (Red Box)**
- **Get on mailing list (I'll email this presentation)**
- **Help plan more meetings like this!**

## FIND US HERE

- **Facebook: Protect Nevada Children (link to Petition)**
- **[www.NevadansAgainstCommonCore.com](http://www.NevadansAgainstCommonCore.com) (link to Petition)**
- **Facebook: Nevadans Against Common Core (current)**

# **Thank You for your presence and patience!**

- **Your ideas on getting the word out...**
- **Questions**