

10. Does the Common Core include a national database?

The Common Core website asserts that “There are no data collection requirements of states adopting the Common Core State Standards,” but the actions of the Department of Education prove otherwise.¹ Secretary of Education Arne Duncan summarized the Obama administration’s vision, explaining,

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. We want to know whether Johnny participated in an early learning program and completed college on time and whether those things have any bearing on his earnings as an adult.²

All 50 states have had statewide longitudinal databases in place to track their students’ scores on assessments for the past decade. Yet the authors of the Common Core are clear: the success of the standards hinges on the increased collection of student data.³ Every state that agreed to the Common Core in order to receive Race to the Top (RTTT) funding committed “to design, develop, and implement statewide P–20 [preschool through workforce] longitudinal data systems . . .”⁴ Data collection must follow the 12 criteria set down in the America COMPETES Act and record, among other things, student demographics, reasons that untested students were not tested, and student success in postsecondary education.⁵ The 23 states that did not receive RTTT grants but are part of one of the two assessment consortia are also committed to cataloging students from preschool through the workforce.⁶ In 2012, the U.S. Department of Labor announced \$12 million in grants for states to build longitudinal databases linking workforce and education data.⁷

Earlier this year, the Department of Education unilaterally altered the Family Educational Rights and Privacy Act (FERPA). FERPA formerly guaranteed that parents could access the data collected by schools concerning their children but barred schools from sharing this information

¹ “Frequently Asked Questions,” Common Core Standards State Initiative, accessed June 8, 2013, <http://www.corestandards.org/resources/frequently-asked-questions>.

² Arne Duncan, “Robust Data Gives U.S. the Roadmap to Reform,” U.S. Department of Education, June 8, 2009, accessed June 11, 2013, <http://www2.ed.gov/news/speeches/2009/06/06082009.html>.

³ Tabitha Grossman, Ryan Reyna, and Stephanie Shipton, *Realizing the Potential: How Governors Can Lead Effective Implementation of the Common Core State Standards* (National Governors Association, 2011), 10, accessed June 8, 2013, <http://www.nga.org/files/live/sites/NGA/files/pdf/1110CCSSIIMPLEMENTATIONGUIDE.PDF>.

⁴ “Statewide Longitudinal Data Systems,” U.S. Department of Education, accessed June 11, 2013, <http://www2.ed.gov/programs/slds/factsheet.html>.

⁵ *Federal Register* 74 no. 221 (November 18, 2009): 59836, <http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27427.pdf>.

⁶ *Ibid.*

⁷ Jason Kuruvilla, “US Department of Labor Announces More Than \$12 Million in Grants Available to States to Improve Workforce Data Quality,” United States Department of Labor, February 12, 2012, accessed June 11, 2013, <http://www.dol.gov/opa/media/press/eta/eta20120352.htm>.

with third parties.⁸ But the Department of Education has reshaped FERPA so that any government or private entity that the department says is evaluating an education program has access to students' personally identifiable information.⁹ Notifying the students' parents is no longer required. The Electronic Privacy Information Center, an advocacy center focusing on civil liberty infringements, warned that this revision will expose "troves of sensitive, non-academic data."¹⁰ Combined with the changes to FERPA, the implementation of the Common Core is unleashing what is arguably the most comprehensive tracking of citizens that America has ever seen.

The dangers of the data systems are not confined to public school students. FERPA does not currently protect homeschooling families in states where families must submit documentation of intent to homeschool.¹¹ Furthermore, at the National Conference on Student Assessment in 2011, officials from Oklahoma explained to CCSSO how the challenge of meeting the data requirements of federal and state education policies are motivating them to "Include student groups not now included (e.g., home-schooled) in the data system."¹²

Data collection will not be limited to homework grades, extracurricular activities, and future career paths. In February 2013, the Department of Education sponsored a study called *Grit, Tenacity, and Perseverance* which analyzed how to record any factors that might affect educational success including socioeconomic background, classroom climate, personal goals, and emotions during homework assignments. The study laments that functional MRI machines, which can measure specific brain activity, are not practical for use in a school setting. But the authors note that the Gates Foundation is collaborating with researchers to explore other methods of "how specific brain activity is correlated with other cognitive and affective indicators that are practical to measure in school settings."¹³ The study recommends that facial expression cameras, posture analysis seats, pressure computer mice, eye tracking devices, and computer programs to

⁸ "Family Educational Records Privacy Extension Act," HSLDA, September 21, 2011, accessed June 11, 2013, <http://www.hslda.org/Legislation/National/2011/HR2910/default.asp>.

⁹ Emmett McGroarty and Jane Robbins, "Controlling Education from the Top: Why Common Core Is Bad for America," *A Pioneer Institute White Paper* no. 87 (May 2012): 19.

¹⁰ The changed regulations allow any governmental or private entity that the Department of Education designates as an "authorized representative" and who is evaluating an education program to access students' personally identifiable information without notifying their parents. The Electronic Privacy Information Center challenged these modifications to FERPA in early 2013, but a judge in the U.S. District Court for D.C. dismissed the suit on an issue of standing. For more information, see <http://epic.org/apa/ferpa/default.html>.

¹¹ "Family Educational Records Privacy Extension Act," HSLDA, accessed June 11, 2013, <http://www.hslda.org/Legislation/National/2011/HR2910/default.asp>.

¹² Sunny Becker et al., *Data, Data Everywhere: Progress, Challenges, and Recommendations for State Data Systems* (HumRRO, July 20, 2011), accessed June 5, 2013, <http://www.scribd.com/doc/110361334/Data-Data-Everywhere-CCSSO-Presentation-at-National-Conference-on-Student-Assessment>.

¹³ *Promoting Grit, Tenacity, and Perseverance: Critical Factors for Success in the 21st Century* (U.S. Department of Education, February 2013), 45, accessed June 11, 2013, <http://www.ed.gov/edblogs/technology/files/2013/02/OET-Draft-Grit-Report-2-17-13.pdf>.

track a student's mood be used in schools.¹⁴ Keeping tabs on the physiological activity of schoolchildren is the trajectory of the data systems developing alongside the Common Core.

Per the revised version of FERPA, information collected on students can be shared with third parties such as education product companies.¹⁵ Massive new databases are already in the works. In 2012, the Gates Foundation used \$17 million to launch inBloom, a company that has built a \$100 million database to track students from kindergarten through college.¹⁶

Colorado, Delaware, Georgia, Illinois, Kentucky, North Carolina, and Massachusetts committed to upload data from some school districts; Louisiana and New York began uploading almost all of their student records.¹⁷ The executive director for the New York Civil Liberties Union chastised the New York school districts saying, "Turning massive amounts of personal data about public school students to a private corporation without any public input is profoundly disturbing and irresponsible."¹⁸ The American Civil Liberties Union of Massachusetts similarly lambasted the Massachusetts Board of Education for assisting the Gates Foundation in "building a national 'data store.'"¹⁹ After these outcries, Delaware, Georgia, Louisiana, and Massachusetts announced that they would not upload data to inBloom.²⁰ It has also become apparent that individual school districts in states that are party to inBloom can choose to pull out of the database. Soon after the Jefferson County School District in Colorado withdrew from inBloom, the Colorado State Board of Education decided to pull the entire state out of the system.²¹

Thanks to the groundswell of privacy concerns from parents and teachers, inBloom recently announced that it will be shutting its doors.²² Unfortunately, the battle is far from over.

¹⁴ Ibid., 44, 69.

¹⁵ Stephanie Simon, "K-12 Student Database Jazzes Tech Startups, Spooks Parents," *Reuters*, March 3, 2013, accessed June 11, 2013, <http://www.reuters.com/article/2013/03/03/us-education-database-idUSBRE92204W20130303>.

¹⁶ "Awarded Grants," Bill and Melinda Gates Foundation, accessed June 11, 2013, <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q/k=inbloom>.

¹⁷ "Awarded Grants," Bill and Melinda Gates Foundation, accessed June 11, 2013, <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q/k=inbloom>.

¹⁸ Corinne Lestch and Ben Chapman, "New York Parents Furious at Program, Inbloom, That Compiles Private Student Information for Companies That Contract with It to Create Teaching Tools," *New York Daily News*, March 13, 2013, accessed June 18, 2013, <http://www.nydailynews.com/new-york/student-data-compiling-system-outrages-article-1.1287990?pgno=1>.

¹⁹ American Civil Liberties Union of Massachusetts, "Letter to Massachusetts Board of Elementary and Secondary Education," February 7, 2013, accessed June 11, 2013, http://www.commercialfreechildhood.org/sites/default/files/mass_bese_letter.pdf.

²⁰ Stephanie Simon, "School Database Loses Backers as Parents Balk over Privacy," *Reuters*, May 29, 2013, accessed June 11, 2013, <http://www.reuters.com/article/2013/05/29/us-usa-education-database-idUSBRE94S0YU20130529>.

²¹ Todd Engdahl, "CDE Cuts Its Ties with Inbloom Data Project," *EdNews Colorado*, November 13, 2013, accessed December 13, 2013, http://www.ednewscolorado.org/brief_text/cde-cuts-its-ties-with-inbloom-data-project.

²² Benjamin Herold, "Data-Privacy Concerns," *Education Week*, April 21, 2014, accessed May 14, 2014, http://blogs.edweek.org/edweek/DigitalEducation/2014/04/inbloom_to_shut_down_amid_growing_data_privacy_concerns.html

Replacements for inBloom are already working with the Department of Education to take over the task of data-collection. Regional information centers such as BOCES plan on storing student data to uphold the provisions of states' Race to the Top agreements.²³

The Common Core and the enlarged data systems containing detailed student information are not severable. It is almost impossible for states to implement the Common Core without agreeing to help build one of the biggest and most detailed data systems in American history. However, it is not too late to change course. Pushback against inBloom succeeded in closing third-party data collection. With your continued involvement, student information can be protected.

Visit <http://advocacy.hslda.org/legislatorsearch.aspx> to find your representatives, and tell them you stand against Common Core's data collection.

²³ Gary Stern, "State Ed turns to BOCES to track student data," The Lohud Journal News, April 4, 2014, accessed May 14, 2014 <http://www.lohud.com/story/news/education/2014/04/03/state-turns-boces/7278285/>.