

How Much Data Is Enough Data? – What happens to privacy when bureaucracies exceed their scope

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Introduction and Instructions

The following is a detailed account of **Oklahoma's** P20 Council (that organization dedicated to the collection of “educational data” [as prescribed by the Obama Administration](#) through development of a State Longitudinal Data System (SLDS))- their operation, goals and function in the state of Oklahoma. This is, in fact, very important information, as [EVERY STATE IN THE UNION is to have a similar council](#). Not all SLDS development groups are called, P20 (which stands for pre-K to 20 years of age – the time span over which this data is to be collected and accrued). Some other acronyms are P12, P20 Workforce and SLDS.

In order to determine the name and location of your state's organization, see the [Data Quality Campaign](#) website and click on your state.

It is important to find out when these meetings are occurring and ATTEND. All meetings should follow your state's open records meeting act, so do not be in the least deterred from attending. Listen carefully to the presentations and comments made at these meetings – take notes and even record the proceedings if necessary. Discuss your findings with your state and local legislators. This is important, as the existence of these particular organizations have usually been prescribed by state law (according to the Race to the Top grant, states get more ‘points’ if they institute the ‘education reforms’ they are being bribed into constructing, ((e) [Using the fiscal, political, and human capital resources of the State to continue, after the period of funding has ended, those reforms funded under the grant for which there is evidence of success](#))).

Discuss your findings with state political organizations and home school associations. It is imperative that parents – especially those of children being home or privately schooled – understand how their child's privacy can be compromised and take steps to prevent prospective lapses in privacy. Most importantly, take this information to your child's school (public or private). Discuss the information with your Principal or Superintendent and explain your concerns fully.

In closing, do not be fooled by insistence of your state's education officials that this database is necessary to improve educational outcomes for the state. Collection of educational data can be helpful in a number of areas, but parents, local school boards and school communities are the ONLY ones with a vested interest in this information. Though there has been much advancement in data protection, no electronic data is 100% secure. The security and safety of minor children in our society is of greater importance than any educational results generated through data collection practices.

Background on Public School Data Collection

- First ESEA (1964) allowed federal funds to be granted to states including, “(2) *providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of State and local educational data, including the use of automated data systems*” ([page 49, SEC. 503. \(a\)\(2\)](#)).
- Obama administration funded [American Recovery and Reinvestment Act](#) – ARRA – ([98 billion](#)) using stimulus funds ([4.35 million](#)) for the [Race To The Top](#) (RTT) grant program.
- Number 2 on RTT reform list required data collection: “*Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction*” ([program description](#)).
- Data collection is the first principle necessary for an NCLB waiver – College and Career Ready Expectations for all Students ([ESEA Flexibility Word Document](#)).
 - States required to adopt “*College and Career Ready Standards*” (Common Core State Standards) and either assessment packages that support them (PARRCC or SMARTER).
 - Oklahoma’s Final Waiver Request document, explains how, “*As part of the state agency partnerships that will assist in implementation of CCSS and PARCC assessments, the SEA is working with other education agencies as part of the P20 Data Coordinating Council*” ([page 22](#), Final ESEA Flexibility Request).

What is a P20 Council?

- P20 describes a Statewide Longitudinal Data System ([SLDS](#)) – a framework into which descriptors describing American students from P (PreK) to 20 years of age can be loaded (“*The Recovery Act competition requires that the data systems have the capacity to link preschool, K-12, and postsecondary education as well as workforce data.*”)
- [Oklahoma’s P20 Council](#) was created by state law ([SB222](#)) in 2009
 - [Using Oklahoma’s definition](#), the governing body of the SLDS ([to be codified in state law](#)) (page 91 (F)(3), Phase 2 RTT Application) is designed to be the P20 Council (aka; P20 Coordinating Council, P12)
 - P20 Council is to coordinate and align the state SLDS to the federal requirements of RTT ([page 52](#), Phase 2 RTT Application).
- According to SB222 Section 2E:
 - “The Council shall advise the State Department of Education, the State Regents for Higher Education, the Department of Career and Technology Education, the Office of Accountability, the Oklahoma Employment Security Commission, the legislature, and the Governor on coordination of the creation of a unified longitudinal student data system (SLDS) to provide interoperability and efficient and effective storage, use and sharing of data among the State Department of Education, Oklahoma Department of Career and Technology Education, Oklahoma State Regents for Higher Education, legislature, other policy makers and executive agencies, and the general public.”
 - Section 2i states:
 - “For the purposes of this act, a “unified data system” shall connect essential data elements relating to **student level course work and course grades**....The unified data system shall facilitate the addition of data elements relating to **testing, instruction and other performance and demographic data.**”

What Is Concerning About Student Privacy And The P20/SLDS?

- (ROPE members have attended Oklahoma P20 Council meetings, documenting their actions via mp3 audio recordings then transcribed by ROPE members. Since the first meeting attended, July 21, 2011, where the Executive Director of Smart Start was introduced as “needing to have a seat at the table” though she was not listed as a Council participant in SB222, many issues, descriptions and deeds of this Council have fallen outside the script, scope and spirit of the original law. Transcripts of all meetings described are linked within the document.)
- The SLDS is to be populated with data from the [America Competes Act 12 Essential Data Elements](#) (Appendix 1)
 - A unique identifier, PII (Personally Identifiable Information), must be assigned for every student.
 - PII is defined differently by different organizations but page 2 of the SLDS Technical Brief ([Brief 2](#)) written by the National Center for Education Statistics includes a varied list of specific and very ‘identifiers’ such as:
 - **Student social security number, student number or biometric record**
 - The [Social Security Administration](#) has stated, “...there are many risks associated with schools using SSNs as primary identifiers and we actively discourage use of SSNs”
- January of 2012, the FERPA (Federal Education Rights and Privacy Act – governing what student records schools can share) laws were changed due to a request by Secretary of Education Arne Duncan.
 - [Page 52 of the new FERPA document](#) outlines **11 different ways Personally Identifiable Information (PII) can be shared by schools without parental or student consent.**
- The State Superintendent of Education, Dr. Barresi, hired John Kramen (Executive Director of Student Information) to oversee Oklahoma’s SLDS
 - Kramen has worked extensively for both the American Diploma Project and Achieve - ancillary organizations of the National Centers for Education and the Economy created/run by Marc Tucker ([an architect of the Common Core State Standards and well-known proponent and sponsor of Progressive Education](#) and associated programming)
- During the [June 21, 2012 meeting](#), council members agreed the P20 Council would follow the national P20 blueprint in order to design the system to fit the directives of national SLDS grants
 - Under the National Centers for Educational Statistics ([NCES](#)) and the federal Institute of Education Sciences ([IES](#)) the **National Education Data Model (NEDM)** defines the types of data with which states may populate their P20 databases.
 - NEDM has hundreds of [‘attributes’](#) characterizing students including, ‘health care plan’, ‘insurance coverage’, ‘family income range’, ‘religious affiliation’ and ‘voting status’ – the last two ‘attributes’ are prohibited from collection by the Protection of Pupil Rights Amendment ([PPRA](#)) without express permission of a parent or guardian.
 - Many other attributes including [eye color and blood type](#) once available for inclusion were scrubbed from [the page after public outcry](#) (APPENDIX 2)
 - **Common Education Data Standards (CEDS)** created by the [Data Quality Campaign](#) (“...a national, collaborative effort to encourage and support state policymakers to improve the availability and use of high-quality education data to improve student achievement” ([About DQC](#))) tracks the establishment of databases in each of the 50 states (all of

whom have committed to implementing the 12 data elements of the America Competes Act (DQC State Analysis, About Data for Action 2011)) (Data Quality Campaign) (APPENDIX 1) and provides assistance to each state in the execution of 10 of 12 essential elements necessary to establish “*robust student-level longitudinal data systems*” [codified through](#) (Data Quality Campaign) the America Competes Act in 2007 and required by states applying for ARRA (RTT) or State Fiscal Stabilization Funds ([SFSF](#)) (Department of Education).¹

- [CEDS data is added to the NEDM](#)

What Does the P20 Council Say That Is Concerning?

- [July 21, 2011](#) the Council makes a decision to launch two other task forces out of the Council – the P20 Data Governance Committee (Data Coordinating Council) and [the P20 Data Stewards Work Group](#).
 - These were not addressed in SB222
 - Do these follow the Open Records Act? We have not been able to locate meeting dates and times on the State Calendar (screen shot)
 - How would taxpayers and parents be educated about their activities?
 - Although there are two elected legislators on the Council (State Senator Clark Jolley and Representative Earl Sears) [neither has been present](#) for all meetings and Representative Sears has only been to two that we are able to tell. Where is the voice of the people? We may elect the governor that appoints the members, but voters are a LONG way from the genesis of appointment decisions and these are often overlooked in voting decisions.
 - The P20 Council does not post their meeting’s minutes (only their agendas) – we get them through private email correspondence.
 - The meeting minutes we have received from the P20 Council have not correlated well at all with the transcribed, recorded meeting notes.
 - There has been a P20 Data Coordinating Council (governance), [Monday, June, 25](#) which was **NOT** recorded on the Open Meetings schedule held in the office of the Secretary of State (Appendix 3)
 - [It is important to note on the email sent to the P20 Council members](#), one of the duties of this meeting is to get “an RFP for a consultant to assist in the development and writing of the governance program/plan for SDE and P20”
 - This dire meeting need is predicated on the urgency to spend the 5 million dollar SLDS grant
- [March 15, 2012](#), John Kramen says, “...it’s hard for a data system at the state level to tell them (teachers) at the local level, more about their kids than they already know...”
 - Oklahoma Department of Career And Technology Education Director, Phil Birkinbile says, “To go one step further – a group of students from Francis Tuttle were participating in the Real World Challenge and they all have scholarships to go over to all these different universities and **half of the team is home schooled, but yet they are entered on Francis Tuttle’s records, so it gives them, it would help down the line or ah, a parochial school or private, charter, I think it gives us a better**

¹ Many contributors/supporters ([partners](#)) to the Data Quality Campaign are those contributing to and supporting all other RTT initiatives.

understanding where these kids are coming from and how do we work to move them forward at the same time.”

- This is not the first time that home schoolers have been mentioned. In the 2010 Annual Report, the P20 specifically identifies one of their goals to, “Include student groups not now included (e.g., home-schooled) in the data system” ([page 16, number 4](#))
- A DHS representative at the meeting states, “We are going to add free and reduced lunch to our data – we have to ask FERPA.”
- Kramen continues to say, “...can we actually look at specific programs...and figure out on the employment side whether we can actually link success of a specific occupational outcome with a credential, to the labor market that it is linked to...kids, schools, policy, politicians perspectives...”
 - “There are 2 ways of looking at this from a state collection perspective. Then there are things you want to know that are more **subjective...we are talking about collecting extracurricular from districts through the data system...school climate...**”
- The DHS representative talks about letting DHS see these data records for foster parents – a process “which should be up and running by mid-April”.
- [June 21, 2012](#), John Kramen says, “...we’re trying to figure out a way of partnering across states building that kind of repository, at least track down kids to follow them or find out where they went”.
 - “trying to find a way to follow, to help data follow the kids across state lines and allow us to find data and bring to them...so that in a few years we might be...able to tell you where they went to college, but I can tell you where they went to high school, so where they grew up, where their parents are, when they left...the goal now you have the data follow the kids, the K-12 system where they were living in every state and once you know that, of course, you can go backward and ask questions.”
 - Nowhere in the bill (SB222) is there ANY mention of following kids across state lines – throughout their entire lives
 - In addition, a federal database is illegal - Title IX - General Provisions, Part E – Uniform Provisions – Subpart 2, Other Provisions, Section 9531 of federal school law [prohibits a nationwide database](#), “*Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.*”
 - A document referred to by Kramen, “[A Framework for a Multi-State Human Capital Development Data System](#)” says, “The K-12 sector wants information about collegiate performance and job placement so it can improve the effectiveness of curriculum and pedagogy in preparing students to take a next step.”
 - This is the Chinese/Communist model of education...we live in America where we allow kids to become what they CAN be and not what the state wants or needs them to be.
- [September 20, 2012](#) Kramen states, “The [data] standards, we need them, they are coming...the Feds have moved forward with Phase 3, 3.0 Common Education Data Standards (<https://ceds.ed.gov/connect.aspx>) [they] just released a new connect tool – to help you map out indicators, how other states are answering similar questions, to do multi-state

assessments and so forth for analysis, linking data across agencies and to other states. The support is built around the sets as they expand.”

- CEDS Version 3 has no less than 522 records (Appendix 4)
- The Chief Information Officer, Office of State Finance Data Center indicates that resources for “data governance” (“the policies related to privacy, access, linking to other agencies...”) should be allocated collectively. Instead of each agency having its own independent policy, all agencies should work together...at the end of this process each of you have need to develop a similar data model...
- John Kramen echoes this, “it comes down to how do we allocate resources collectively for P-20. If there’s something at SDE that we need to do for the K20 Dashboard that will ultimately help everybody, then what happens if you...there are resources that you have that we don’t have that you have available? We need collaboration on a higher level.”
 - As with the [Kentucky P20](#), federal funding may set up the P20, but after that, the state will be holding the bag – asking legislators to provide long term funding (sustainability).
- Just recently, ROPE uncovered this power point presentation called “[Data Data Everywhere: Progress, Challenges, and Recommendations for State Data Systems](#)” on our state’s Education Department website.
 - It is comprised of four different presentations made to the [Council of Chief State School Officers](#) at their [National Conference on Student Assessment](#) – including one by Oklahoma and one by Florida.
 - The Oklahoma presentation was really a review of what the P20 Council is tasked to do and also includes their desire to collect homeschool data (slide 35)
 - Florida’s presentation was VERY comprehensive and described in great detail how Florida was collecting student data.
 - This is especially concerning since Arne Duncan has “[praised Florida’s education data system](#)”

Conclusions

- The P20 Council has expanded beyond the bounds of its original founding through SB222
 - The amount of data the Council desires to collect is unprecedented and far-reaching
 - After sitting in P20 Council meetings for several months, it became apparent that the largest revelations regarding data collection and “governance” of data to be collected in the SLDS, were not recorded in the official meeting minutes, leaving anyone reading only the minutes of the meetings, quite in the dark about the scope of the overall project.
 - For comparison, meeting minutes can be found here for [June 21, 2012](#) and [September 20, 2012](#), [July 21, 2011](#) and [March 15, 2012](#)
 - Within a short period of time, the P20 Council decided to break into two other groups which function wholly outside the organization described by SB222.
 - This creates greater bureaucracy – removing government further from the people.

- The Council has also moved from governance of a state-wide database to a national – and even international – data collection/sharing system with the use of the CEDS “connection” tool
 - Does Oklahoma have that authority?
- The Council has gone from collecting pure pre-K through 20 years-of-age educational data to capturing many types of subjective data (dental screening status? Appendix 5) for individual students into the workforce and beyond – again not described by SB222
- In an interim presentation to the Oklahoma Common Education Committee September 27th, John Kramen agreed that our assertions were essentially correct. His only argument, then, was that ‘personal data’ would be scrubbed from the records.
 - Whether or not the data is ‘disaggregated’ or not, no good argument has ever been made for data collection along the lines of those devised in the CEDS such as ‘dental status’.
- If presidential candidate Mitt Romney becomes president, he has said he will not provide federal dollars to states for education programming.
 - How is any state going to pay for the P20 and all the other education reforms paid for currently by federal dollars, to include Common Core and PARCC testing?

APPENDIX 1: The 12 data elements described in the America Competes Act.

1. An unique identifier (PII – Personally Identifiable Information) for every student that does not permit a student to be individually identified (except as permitted by federal and state law);
2. The school enrollment history, demographic characteristics, and program participation record of every student;
3. Information on when a student enrolls, transfers, drops out, or graduates from a school;
4. Student scores on tests required by the Elementary and Secondary Education Act;
5. Information on students who are not tested, by grade and subject;
6. Student scores on tests measuring whether they're ready for college;
7. A way to identify teachers and to match teachers to their students;
8. Information from students' transcripts, specifically courses taken and grades earned;
9. Data on students' success in college, including whether they enrolled in remedial courses;
10. Data on whether K-12 students are prepared to succeed in college;
11. A system of auditing data for quality, validity, and reliability; and
12. The ability to share data from preschool through postsecondary education data systems.

APPENDIX 2: Screen shots of data attributes scrubbed from the NEDM website.

Asian	Assignment	Assignment Fresh Code
Assignment Number of Attempts	Assignment Type	AssignmentActivity Points Possible
At Risk Indicator	Attendance Description	Attendance Status Time
Reading Initial Evaluation for Special Education	Base Salary or Wage	Birthdate
Birthmark	Race or African American	Blood Test Type
Blood Type	Residing Status	Born Outside of the U.S.
Building/Store Number	Bus Route ID	Bus Stop Arrival Time
Bus Stop Description	Bus Stop Distance	Bus Stop from School ID
Bus Stop to School Distance	Bus Stop to School ID	Career Objective
Change in Developmental Status	Citizenship Status	City
City of Birth	Class Attendance Status	Class Name
Current Year	Community Service Hours	Compulsory Attendance Status at Time of Unexcused School
Current Start Date	Corrective Equipment Prescribed	Corrective Equipment Purpose
County Code	County of Birth Code	County of Citizenship Code
County FPD (Federal Information Processing Standards) Code	County of Birth	CTE Consultant
CTE Participant	Daily Attendance Status	Day/Evening Status
Dark Toned	Death Cause	Death Date
Dental Prosthetics	Developmental Delay	Diagnosis of Causative Factor (Condition)
District Name	Dismissal Periods/ Absent Date	Dismissal/Excuse Type

Uniform Resource Identifier	Uniform School Choice Offered Status
Uniform School Choice Status	Uniform Name
Word of the State	Weight
Work	Work Experience Paid
Work Type	Zip Code
	Zone Number

Voting Status

Source: HandBooks
An indication as to whether an individual is registered to vote in public elections.

Code Set:
Registered - RA
Not registered - NR
Not eligible to vote - NV

Comments

Name *

Email *

Comment

APPENDIX 3: Screen shot of meetings calendar on state website on which the P20 Data Coordinating Council meeting was NOT placed for public view.

[Skip Navigation Links](#) [Home](#) : [Open Meetings](#) : [Meeting Calendar](#)

Open Meetings Calendar

Please select a date from the calendar to view list of meeting notices.

June 2012						
Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7

State holidays will be shaded

Events Scheduled for: Monday, June 25, 2012

Meeting Time	Public Body Name
8:00 AM	UNIVERSITY OF OKLAHOMA (OU) - BOARD OF REGENTS
8:30 AM	CORPORATION COMMISSION
9:00 AM	CANADIAN COUNTY - BOARD OF COMMISSIONERS
9:30 AM	CORPORATION COMMISSION
10:00 AM	CANADIAN COUNTY - PUBLIC FACILITIES AUTHORITY
12:00 PM	AGING SERVICES INC - BOARD OF DIRECTORS
1:30 PM	CORPORATION COMMISSION
2:00 PM	ELECTRONIC DATA INTERCHANGE (EDI) ADVISORY COMMITTEE
2:30 PM	OKLAHOMA COUNTY - RETIREMENT BOARD
4:00 PM	DEPARTMENT OF CENTRAL SERVICES - CAPITOL IMPROVEMENT AUTHORITY
4:00 PM	HOUSING AUTHORITY - TULSA - BOARD OF COMMISSIONERS - STUDY SESSION
4:30 PM	HUGO - CEMETERY BOARD
5:30 PM	YOUTH SERVICES, INC. - CREEK COUNTY
6:30 PM	HOUSING AUTHORITY - TECUMSEH
6:30 PM	YOUTH SERVICES, INC. - OSAGE COUNTY
7:00 PM	NEWCASTLE - PLANNING & ZONING COMMISSION

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APPENDIX 4: Screen shot of CEDS model showing the individual number of records into which data may be populated.

Common Education Data Standards

User Name: Password: [Login](#)

[Create an Account](#) [Forgot User Name](#) or [Password](#)

Home | About | Elements | Data Model | Tools | Reports

CEDS Elements - Version 3 (Draft)

Filter by Domain:

Filter by Change Status: All New Elements Updated Elements All Changed Items

Filter by Key Word: [Advanced Search](#)

Download CEDS Elements as an Excel file. [Downloads](#)

Filter by First Letter: [All](#) [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

[Collapse All](#)

522 records for "All Letters" > Changed

Academic Honors Type UPDATED!

Description:
A designation of the type of academic distinctions earned by or awarded to the student.

Option Set:

Description	Option
Honor roll	01985
Honor society	01986
Honorable mention	01987
Honors program	01988
National Technical Education Honor Society	73064
Prize awards	01989
Scholarships	01991

APPENDIX 5: Screen shot of CEDS model showing the Dental Screening Status Field.

No

Related Domains, Entities, and Categories:
K12 -> K12 Student

(More)

[Comment on this Element](#)

▼ **Dental Screening Status** UPDATED!

Definition:
The condition of a person's mouth or oral cavity; more specifically the condition of the hard tissues (i.e., teeth and jaws) and the soft tissues (i.e., gums, tongue, lips, palate, mouth floor, and inner cheeks). Good oral health denotes the absence of clinically manifested disease or abnormalities of the oral cavity.

Option Set:

Description	Option
No Treatment Needed	NoTreatmentNeeded
Treatment Needed	TreatmentNeeded
Treatment Received	TreatmentReceived

Related Domains, Entities, and Categories:
Early Learning -> EL Child

(More)

[Comment on this Element](#)

▼ **Descriptive Feedback Source** NEW!

Definition:
The source of the descriptive feedback that was given to a learner based on a scored/evaluated portion of an assessment as recorded in the Sub Test Result entity.

Option Set:
None

Related Domains, Entities, and Categories:
Assessments -> Assessment Subtest Result

Common Education Data Standards

User Name: Password: [Login](#)

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CEDS Elements - Version 3 (Draft)

Filter by Domain:

Filter by Change Status:

- All
- New Elements
- Updated Elements
- All Changed Items

Filter by Key Word: [Advanced Search](#)

Download CEDS Elements as an Excel file. [Download](#)

Filter by First Letter: **A B C D E F G H I J K L M N O P Q R S T U V W X Y Z**

Collapse All

13 records for "D" - Changed

▼ **Days Available Per Week**

Definition:
The number of days per week the site or classroom is open for children to attend.

Option Set:
None

Related Domains, Entities, and Categories:
Early Learning -> Class/Group NEW!
Early Learning -> EL Organization