

## Myth Busters: Getting the Facts Straight about Education Data

The education data agenda is experiencing unprecedented backlash, including the propagation of data myths, especially regarding Common Core, FERPA, and vendors. The Data Quality Campaign (DQC) seeks to make the case for education data while ensuring state policymakers meet their moral and legal responsibilities to safeguard this information and ensure its appropriate and ethical use. This document dispels the most common myths with concise talking points and related resources, and DQC will continually update this resource as additional myths arise. Any information about the number of states reporting an activity is based on [Data for Action 2012: DQC's State Analysis](#).

**MYTH:** The federal government collects academic and other information about individual students.

### Facts:

- [The Higher Education Opportunity Act \(HEOA\) of 2008](#), [No Child Left Behind \(NCLB\)](#) legislation amending the Elementary and Secondary Education Act, the [Education Reform Sciences Act of 2002](#), and the [Individuals with Disabilities Education Act \(IDEA\)](#) prohibit the creation of a federal database with students' personally identifiable information (i.e. information such as SSN).
  - Section 113 of HEOA: "Except as described in subsection (b) [relating to systems necessary for operations of specified Higher Education Act programs and previously in use by the Department], nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time."
  - Section 9531 of the Elementary and Secondary Education Act : "Nothing in this Act (other than section 1308(b) [relating to a migrant record system] 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."
  - Section 182 of the Education Sciences Reform Act: "NATIONAL DATABASE- Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title."
  - Section 616 of IDEA: "(ii) Rule of construction.--Nothing in this title 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 part."
- The federal government is authorized to publicly report specific *aggregate-level data only*.
- Federal law prohibits the reporting of aggregate data that could allow individuals to be identified.
- The federal government **does not** have access to the student-level information housed in state data systems.
- Common Core **is not** a mechanism for federal data collection, nor does state implementation of Common Core and its related assessments require any data collection beyond the aggregate data authorized by No Child Left Behind.
- Common Core (and related assessment consortia) **does not** authorize the sharing of student data between states.

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**MYTH:** The federal government is using grants such as [The Statewide Longitudinal Data Systems \(SLDS\) grant program](#), [The American Recovery and Reinvestment Act \(ARRA\)](#), and [Race to the Top](#) as a way to drive a national/federal collection of student information into a single database.

**Facts:**

- States that receive grants from the federal government **are forbidden** to report any student-level data to the federal government in return (*see HEOA, NCLB, SLDS, and IDEA language above describing this prohibition*).
- States were building data systems and collecting the necessary information to improve education within each state years before the federal government introduced grants to support this work.
- As a condition of receiving any [ARRA](#) funding, states committed to building their SLDS with elements described in the [America COMPETES Act](#) (ACA); the 12 elements in the ACA [align](#) with DQC's 10 Essential Elements.
- The [State Fiscal Stabilization Fund \(SFSF\)](#) under ARRA **did not** encourage or require the use of SFSF funds for the development of these data systems. However, operationalizing the 12 ACA elements was a requirement of receiving funding.
- States have been building student-level data systems for over a decade to inform policy and practice; the average state reported meeting five of the [DQC's 10 Essential Elements](#) prior to the first federal grant awards to states for this purpose. The systems provide educators with the information (e.g. cohort graduation rates, growth measures, early warning systems) needed to inform their practice.
- As of 2012, [36 states](#) are providing state funding for their P20/workforce SLDS.

**MYTH:** [The National Education Data Model \(NEDM\)](#) is a federally driven collection of hundreds of pieces of sensitive individual student information.

**Facts:**

- The NEDM **is not** a data collection and **does not** contain any data; no state or district is submitting data to the federal government based on this model.
- The NEDM is a technical resource that was developed at the national level; its use **is not** required as a condition of any funding or collection.
- The NEDM is a framework describing the types of data that individual districts and states *may choose to use* to answer their own questions about policy and practice.
- The NEDM was funded by the National Center for Education Statistics (NCES), managed by the NCES Forum (comprised of state and district representatives from every state), and received technical assistance from the Council of Chief State School Officers.
- A data model is a representation that shows how unstructured data in a database could be organized or connected.

**MYTH:** The [Family Educational Rights and Privacy Act \(FERPA\)](#) has been weakened by the current administration.

**Facts:**

- The [2008 and 2011 regulations](#) were direct responses to state requests for clarification of FERPA regarding the role of the state in using student data while maintaining privacy protections around personally identifiable information.
- The US Department of Education clarified FERPA's application to state longitudinal data systems through a public process in response to conversations between states, education stakeholders, and public stakeholders over several years and across two administrations.
- The 2008 and 2011 clarifications aligned FERPA with other federal laws requiring states to link data systems and use student data for evaluation and school and district accountability.
- Prior to these clarifications, [states were unclear about basic, permissible activities](#) including whether postsecondary institutions can share data with state and local education agencies for the purpose of high school feedback reports, whether state-level data could be used for research to improve instruction, and whether the state can transfer student academic records to a receiving district when a student moves.
- These changes were accompanied by provisions designed to tighten privacy protections and provide for fuller FERPA enforcement.
- When the US Department of Education issued FERPA clarifications, they also took steps to build capacity within the ED to provide technical assistance around privacy protections; these steps included hiring a Chief Privacy Officer, establishing the [Privacy Technical Assistance Center](#), and issuing technical briefs providing guidance and best practices on protecting personally identifiable information.

**MYTH:** [FERPA](#) is the only law protecting student privacy, and states are not addressing this issue.

**Facts:**

- While FERPA sets limits on how personally identifiable data can be accessed and shared, [states also have their own policies and practices](#), and many have state laws that parallel FERPA designed to ensure the privacy and confidentiality of data. Virtually all states also have laws that address data security and security breaches.
- [Nearly all states education agencies](#) (46) have established governance bodies charged with managing the collection and use of data, including how those data will be kept secure and confidential.
- [Nearly all states](#) (43) have established policies that determine what type of data is available to select stakeholders – like teachers and principals – who will use it to improve instruction.
- [Nearly all states](#) (41) make their data privacy policies publically available.
- [States are responsible for developing policies](#) that determine *how* student data will be protected from inappropriate sharing or use.

**MYTH:** Efforts to centralize the collection and storage of student information are increasing the risk of inappropriate access and use of this information.

**Facts:**

- Districts currently contract with a variety of vendors to provide data storage, management, and utilization services. Most districts lack the technical/legal expertise and oversight capacity to develop and manage comprehensive security protocols, so keeping data in multiple fragmented district-level systems increases the chance that student data will be mismanaged or inappropriately accessed.
- District-level vendor contracts can be costly, can create redundancy across the state, and are often limited by lack of district resources and technical expertise. If a state chooses a statewide vendor, it can reduce costs for districts, ensure that privacy measures are implemented consistently and effectively across the state, and relieve districts of management and security burdens.
- Centralized systems, such as statewide longitudinal data systems, ensure that data collection, storage, and access meet a uniform set of protections that limit the risk of inappropriate access and use.

**MYTH:** States are selling student-level data to vendors and corporations who will use it to develop new products to market to students.

**Facts:**

- States and districts **cannot** and **do not** sell student information, and the limited information that states and districts do collect is used for the purpose of informing policy, practice, and research to improve education and delivering educational services to students (*as prescribed in FERPA; see above for reference*).
- In response to external research and transparency requests, some states charge fees to assemble data sets to cover labor costs associated with responding to these data requests. (*DQC's 2013 survey will collect more information on this topic*).
- FERPA ensures that any individual or entity that a state or district authorizes to access its data must (1) use student data only for authorized purposes; (2) protect the data from further disclosure or other uses; and (3) destroy the data when no longer needed for the authorized purpose.
- Out of necessity, states and districts have always contracted with for-profit and non-profit partners to transform their data into actionable information.

**MYTH:** States are collecting and sharing an inappropriate amount of student level data.

**Facts:**

- States **do not** have access to the full array of data collected and maintained by schools and districts.
- States collect a limited amount of student-level information that is commensurate with state-level responsibilities. State data can provide a rich set of contextual information to supplement district-level data and guide local improvement efforts.

**MYTH:** As a recent federal report states, Common Core and a brain mapping initiative recently announced by President Obama are being used to collect biometric data about children.

**Facts:**

- Common Core does **not** collect or require the collection of any biometric data (or any data at all).

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- Common Core is **not** related to the [BRAIN](#) (Brain Research through Advancing Innovative Neurotechnologies) Initiative, a recently-proposed scientific endeavor to map the brain. The BRAIN Initiative is **not** collecting any data from or about students and is **not** related to any education initiative or program.
- A recently released research report ([Promoting Grit, Tenacity and Perseverance: Critical Factors for Success in the 21st Century](#)) prepared by SRI International on behalf of the US Department of Education is an overview of potential measurement methods of skills like perseverance and tenacity and is **not** related in any way to Common Core standards or assessments or any data collection.
- The US Department of Education’s report on promoting grit and tenacity does **not** guide or reflect Common Core in any way. This report does address Common Core’s standard of “making sense of problems and persevering in solving them” to demonstrate the relevance of nonacademic skills.