

Chairman Brenner, Vice Chair Slaby, Ranking Member Fedor and members of the House Education and Career Readiness Committee,

Thank you for the opportunity to provide a written testimony on behalf of HB181.

My interest in the bill comes from the vantage point of a parent of 2 children in the Twinsburg school district. I am also the owner of a small management consulting firm. Two of the primary services that my company offers are data-mining and market research.

A few years ago, I began to notice a significant decline in curriculum between my two children, two years apart in the gifted program in Twinsburg. It felt odd to me, given they were both in the same program with the same teachers with just 24 months separating their education. It was this “hunch” that something was awry that pushed me to start paying more attention to education reform in Ohio. Early in this process, I was enlightened by other parents as to certain activities that I found especially concerning; specifically these included the 2012 changes to FERPA language, and the introduction of Social and Emotional Learning into the standards. As a professional that understands intimately both the power and ease of data mining, as well as the psychology behind research based data collection, I couldn't help but question both the intent and ethics behind these changes made under the auspices of academia. I began researching the topic deeper to build an understanding of what my children were being exposed to from a data collection standpoint. Where was the data going? How was it being used? Over the past two years, I have put countless hours of research into what is happening in education reform, as it relates to the collection of data on children without parental knowledge or consent.

This exercise led me to the SLDS, Common Education Data Standards, data collected via PAARC and AIR, and the use of data collection via behavior based surveys and apps. The more I learned, the more concerned I became. Much of the data being collected, I discovered, had little to do with academia and a lot to do with attitudinal and behavioral attributes of the children. I took the opportunity to speak at a local Board of Education meeting to voice my concerns, and have met with and communicated issues with both the Board and the district administration multiple times. The response has been at best with a grave lack of understanding, at worst, apathetic.

I would like to start by describing to you a few different personal experiences around data sharing of my own children's information. Upon being told that absolutely no personally identifiable data ever left the district without any doubt, approximately two years ago, I began to snoop around various apps that my children used, such as Study Island and others. Within hours of this first attempt, not only did I discover that teachers had loaded my children's full names along with other personal data, they included their FULL names including **very** unique middle names for both. This led me to ask, if “one in the world” unique full names isn't personally identifiable information, what is? And why is it important to enter their middle names anyway? Why couldn't they use the apps anonymously?

This led me to send in a refusal to district to participate in further data collection. I asked that my children be removed from current apps, and pointed out to the district that they were in

violation of COPPA with my younger child. The district was totally unaware of COPPA laws at the time. The fact that I had to educate them on the law astounded me.

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>

The following fall, I was attending an open house. One of my son's teachers announced that the class would be monitored via Class Dojo for the year. I was shocked to see his name and associated username on the list. Class Dojo is not an academic tool, rather it tracks behavior and dashboards it. I approached her after her presentation and reminded her that we had a refusal on record and he needed to be removed from Class Dojo. Months later, I discovered she had removed him temporarily, but proceeded to put him back into the tool. Class Dojo claims full transparency and strict privacy terms, but in this case, the teacher is given equal rights to the parent.

I began talking to other parents in my district. Over a year after I brought COPPA to the attention of the district, one of my daughter's friends, who was under 13, said she was told to ignore the COPPA message on an app and LIE about her age to sign in. Clearly, this is a systematic failure.

The final incident I would like to mention involves the app Naviance. After research had led me to understand that Naviance collects very intimate and private behavioral and attitudinal survey data, and uses a clustering algorithm based on the psychologically based Holland Code method, I strongly voiced opposition to the district purchasing the entire suite of Naviance. Based on my background, without even looking at the algorithm, I could predict that not only would my son show in an outlier cluster, but he would show as an outlier within his cluster. Further, I had learned that Naviance encourages children to directly waive their Ferpa rights, and some schools even require personally identifiable data use for usernames and passwords.

<https://www.careerkey.org/choose-a-career/hollands-theory-of-career-choice.html#.WUALTxsm6Uk>

<http://personality-testing.info/tests/RIASEC/>

<http://www.houstonisd.org/Page/108553>

<http://www.montclair.k12.nj.us/WebPageFiles/373/Naviance%20-%20FERPA.pdf>

I was assured the data mining modules were not being purchased. I was quite surprised months later to get a call asking for permission to have my son participate in a Naviance activity (knowing I had a refusal form on record). I believe my words were exactly "If he is just exploring different lists of careers in the tool, I guess I am fine, but he is not to put any data into the tool". Not even 5 minutes later, he was told he had to participate in the Holland codes survey.

Not surprisingly, my son scored very low on the social component of the Holland codes. He is highly gifted and autistic. Based on his exceptional academics, in all regards, he should have access to many college opportunities. We have spent years preparing him for inevitable tough interviews that will come in the process, where he will be taken out of his comfort zone. However, now he risks being pre-screened based on an invasive behavioral and attitudinal survey that we refused his participation, but nevertheless was done not only without our consent, but against our wishes. Now he has a big proverbial scarlet letter on his chest because of Naviance. I have asked both administration and our board how this tool possibly could be opportunity expanding for him. They cannot answer this question. Who exactly will receive this information? No one seems to be able to answer that either.

Not only am I concerned as a parent by the data being intentionally collected and intentionally shared without my consent, I am also concerned about unintentional data breaches. For example, the Twinsburg district also uses the Emodo platform. A recent breach of Emodo compromised the records of 77M of 78M users. Despite this breach happened weeks ago, I have been told that parents of students on the platform have yet to be notified by Emodo or the district.

<https://www.webtitan.com/blog/edmodo-data-breach/>

I have been assured by our local board that a recent policy change to require vendors have signed the Student Privacy Pledge should suffice in managing the data privacy issues. However, with breaches such as the Emodo breach and the recent filing with the FTC over Google's use of data from Google Apps for Ed make me wonder.

<https://www.eff.org/press/releases/google-deceptively-tracks-students-internet-browsing-eff-says-complaint-federal-trade>

Don't parents and students in the state of Ohio deserve to know what data is being collected on them and how it is being used and shared? If the standards continue to have social and emotional components included, how will Ohio assess the social and emotional standards and where will the data reside? Who is authorized to review a child's attitudinal and behavioral attributes? Is the committee comfortable with the administration of social and emotional assessments coming from untrained teachers, or even worse, algorithms within apps that are not transparent to those closest to the child?

Given the massive amount of information the federal government has outlined in the Common Education Standards document (including personally identifiable data), it's no wonder that parents in the state of Ohio have developed trust issues.

<https://ceds.ed.gov/dataModelNDS.aspx>

It's time to make vendors and school districts accountable to transparency on what is being collected, the intent behind the collection, and who will receive the information. Anything short of this is not American and is very dangerous.

I believe that HB181 addresses the much needed topic of student data privacy. I support the bill and hope you will too.

Thank you very much.

Adrienne Gordon

8025 Megan Meadow Dr.

Hudson, OH. 44236