April 10, 2012

Dear members of the Oregon Education Investment Board,

Yesterday afternoon I was driving and heard Rob Manning report on OPB radio.

Wyden Bill Would Provide Cost-Benefit Analysis Of College Degrees
http://www.npr.org/local/stories/OPB/150315630

> College-bound students could have a lot more financial information at their fingertips, under a bill introduced in Congress recently.

> Senator Ron Wyden gathered with higher education leaders Monday to push a bill they're calling the Student Right to Know Before You Go Act.

> Wyden says the bill promises to provide a cost-benefit analysis of various college degrees. It would include potential student loan debt and the likely earnings a graduate could expect...

> Wyden introduced his bill in February. He says he's optimistic it can pass in the current Congress, or early next year.

I am *pessimistic* about Senator Wyden's cost-benefit analysis and I hope if Congress doesn't pull the brakes on state longitudinal data systems, a lawsuit may.

EPIC v. The U.S. Department of Education.[1] EPIC stands for Electronic Privacy Information Center and Marc Rotenberg is Executive Director.[2] The USED has 60 days to respond to the lawsuit filed on February 29, 2012.

> **EPIC Sues to Block Changes to Education Privacy Rules:** EPIC has filed a lawsuit under the Administrative Procedure Act against the Department of Education. EPIC's lawsuit argues that the agency's December 2011 regulations amending the Family Educational Rights and Privacy Act exceed the agency's statutory authority, and are contrary to law. In 2011, the Education Department requested public comments regarding the proposed changes. In response, EPIC submitted extensive comments, addressing the student privacy risks and the agency's lack of legal authority to make changes to the privacy law without explicit Congressional intent. The agency issued the revised regulations despite the fact that "numerous commenters . . . believe the Department lacks the statutory authority to promulgate the proposed regulations." EPIC is joined in the lawsuit by co-plaintiffs Grayson Barber, Pablo Molina, Peter G. Neumman, and Dr. Deborah Peel. The case is EPIC v. US Department of Education, No. 12-00327. For more information, see EPIC: Student Privacy. (Feb. 29, 2012)
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> **Department of Education Issues Unlawful Regulations that Harm Student Privacy:** The Department of Education has released final regulations concerning the Family Educational Rights and Privacy Act (FERPA). These regulations exceed the agency's legal authority and expose students to new privacy risks. The new rules permit educational institutions to release student records to non-governmental agencies without first obtaining parents' written consent. The new rules also broaden the permissible purposes for which third parties can access students records without first notifying parents. The agency rules also fail to appropriately safeguard students from

[1] http://epic.org/apa/ferpa/default.html
[2] http://epic.org/epic/staff_and_board.html

the risk of re-identification. In response to the Department of Education's request for public comments, EPIC submitted extensive comments to the agency in May 2011, addressing the student privacy risks and the agency's lack of legal authority to make changes to FERPA without explicit Congressional intent. For more information, see EPIC: Student Privacy. (Dec. 5, 2011)

In late September minutes, Margie Lowe described Project ALDER as a "key deliverable" [3]… "that is way beyond the capabilities of the current system and will be expensive." …"While they are hoping for additional federal grants, those will not be available in the next year. Foundations might be a source of funding or C.O.Ps."

Which foundations might that be? *"**Various foundations (Gates or Lumina)** that support education attainment could be possible resources."*[4]

Outcome-based budgeting includes expenditures that Oregon lawmakers aren't tracking. ARRA stimulus money is insufficient to pay for all the elements to implement, operate and maintain this data collection at the state and local levels.

It troubles me that Project ALDER's **Data Collection Committee** membership (primarily school districts and ESDs) includes **Pearson, listed as "agency," with Rose Craighead identified as State Reporting Business Analyst** [5]

It troubles me that **Gates and Pearson are joined at the hip to "create digital learning programs**"[6] and that **Pearson purchased Connections Academy**[7], one of the prime movers and shakers in creating **ALEC model legislation**. While the Gates Foundation just withdrew support for ALEC,[8] they undoubtedly pushed the **"Longitudinal Student Growth Act"**[9] and other **relevant higher education**[10] [11] [12] [13] **and privacy bills**[14] [15]**.**

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[3] http://www.oregon.gov/Gov/docs/9-30-11_SB909_Work_Group_minutes.pdf?ga=t
[4] http://www.oregon.gov/Gov/docs/09_30_2011_SB909_Student_Data_System_Charge.pdf?ga=t
[5] http://alder.orvsd.org/sites/alder.orvsd.org/files/DCC_Membership_0.pdf
[6] http://www.edweek.org/media/pearsonfoundationreleasegates.pdf
[7] http://www.pearson.com/media-1/announcements/?i=1476
[8] http://www.rollcall.com/news/gates_foundation_will_withdraw_support_for_alec_nonprofit-213689-1.html?pos=hln
[9] http://alecexposed.org/w/images/b/bd/2E6-Longitudinal_Student_Growth_Act_Exposed.pdf
[10] **http://alecexposed.org/w/images/6/68/2B7-Higher_Education_Accountability_Act_Part_1_Exposed.pdf**
[11] http://alecexposed.org/w/images/5/54/2B8-Higher_Education_Accountability_Act_Part_2_Exposed.pdf
[12] http://alecexposed.org/w/images/2/28/2B13-CALLING_FOR_GREATER_PRODUCTIVITY_IN_AMERICAN_HIGHER_EDUCATION_Exposed.pdf
[13] http://alecexposed.org/w/images/4/41/2B14-Resolution_Supporting_Quality_Higher_Education_Exposed.pdf
[14] http://alecexposed.org/w/images/5/54/9A4-Breach_of_Personal_Information_Notification_Act_exposed.pdf
[15] http://alecexposed.org/w/images/e/e5/9A12-Information_Security_Management_Act_Exposed.pdf

While we cut teachers from classrooms, I shudder at the thought of becoming more dependent on the corporations and foundations that profit from blaming public education for our economic woes. So I'll keep asking hard questions and raising red flags.
Kris Alman