

PURE *Fact Sheet*

How Arne Duncan may be taking the FAMILY, RIGHTS and PRIVACY out of the Family Educational Rights and Privacy Act (FERPA)

The US Department of Education (USDE) quietly made some big changes to the Family Educational Rights and Privacy Act (FERPA) which went into effect in January 2012 and may put our children's school records and other family information into the hands of people like Bill Gates and Rupert Murdoch. Here are the major changes:

FERPA prior to January 2012	USDE/Duncan changes to FERPA
Students' grades, test scores, discipline records, etc. could only be shared with "authorized representatives" of the student's school, school district, state education departments, or a narrow set of federal agencies, unless parents gave permission for that information to be shared.	Educational agencies can now "authorize" other "representatives" such as unrelated government departments and external contractors including test developers and "research" groups. Parents and other student advocates are concerned that these changes may open up the possibility that student information will be handed over to for-profit companies <i>without parent permission or knowledge</i> .
There were only a few exceptions to the requirement for parental consent including things like medical or law enforcement emergencies.	Now these exceptions include "audits and evaluations" of "educational programs" which are so broadly defined that <i>almost any program could qualify</i> . USDE suggests that even information technology functions may qualify as "educational programs."

Duncan's USDE set the stage for student data sharing in RTTT and NCLB waivers

In order to qualify for special federal education dollars, states had to agree to set up data systems to collect student test data and connect that data with individual teachers so that the data can be used in teacher evaluation. Data will be connected to national Common Core standards and assessments.

Phase 1 data sharing already underway in downstate Illinois, New York City, elsewhere

Parents in NYC have filed a complaint letter with the state Attorney General citing serious privacy concerns stemming from a contract with the Shared Learning Collaborative (SLC), a collaboration between the Gates Foundation and Wireless Generation, a company owned by Rupert Murdoch, the publisher notorious for phone hacking and eavesdropping as well as printing teacher-by-teacher student test data in his New York Daily News last year.

For more on FERPA changes, see <http://epic.org/privacy/student/>

For more on student data sharing and the NYC parents' complaint, see

<http://nycpublicschoolparents.blogspot.com/2011/12/ny-student-data-to-be-given-to-limited.html>

See also PURE's story, <http://pureparents.org/?p=19253>

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