

The Seamless Web: Minnesota's New Education System

13 Data Privacy

This chapter was written by Karen Effrem, M. D.

The *Minnesota Goals 2000 Technology Plan* says:

To receive a diploma, a student must produce a record of work in a number of content standards....The purpose of this record is to inform students, parents, teachers, and related services personnel about the progress of all students. In addition, the record is intended to communicate student achievement to future employers.⁹¹

This statement raises several important questions. How is the data obtained? What kind of data is in the record? Who has access to it? What sort of consent, if any, is obtained from the student and/or parent for its gathering or use? Are there other purposes for this data besides those in the quote mentioned above?

Teachers enter data on each student for the school and district into an electronic file folder or portfolio. The district can then choose from a number of vendors such as National Computer Systems, TIES and Skyward⁹² to put this data in a common format, store it, and send it on to the state or whomever requires it.⁹³ The president of TIES was on the Minnesota Goals 2000 Technology Panel.

TIES, which stands for Technology and Information Education Services, brags on its Internet site that it can track everyone in the district, be they preschool, nonpublic students, or adult household members.⁹⁴ How do they do that and why do they need to monitor people not in the schools?

TIES Internet site also states that it integrates student information with school finance, human resources, and payroll information.⁹⁵ To what end? Is this to monitor teacher performance? Does it relate to School-to-Work?

The central educational data gathering agency in Minnesota is MARSS—Minnesota Automated Recording Student System—part of the Department of Children, Families and Learning. Its data element outline is 52 pages long and includes such elements as the social security number and every other conceivable descriptor of students and their status in school.⁹⁶

Data from MARSS is then sent on to the National Center for Education Statistics. The data element outline from the National Student Data Handbook is six pages of single line entries in two columns, and contains elements such as the religious background and dwelling arrangement of our citizens.⁹⁷

SPEEDE / Express (Standardization of Postsecondary Education Electronic Data Exchange / Exchange of Permanent Records electronically for Students) is the final collector of all federal education data. It takes the NAEP and numerous other sources of data and catalogs it for uniform recording and transfer among postsecondary institutions, which is its stated purpose. The data also goes to corporations and other entities, however.⁹⁸

There are several types of data in the record. Academic data is the most obvious. Academic data now includes all student records and numerous examples of student work called assessments. These assessments or performance packages include the rubric 1 to 4 scoring of group projects, consensus building, supposed real world exercises that are laden with value judgments, and service learning / work experiences. The reader is now well aware of the

subjective content of many of these performance packages. The scoring is subjective as well. These complicated and subjective assessments will be on the student's record for life.

Academic information also includes survey data that may or may not have anything to do with traditional academics. For example, a Minnesota questionnaire given to 6th, 9th, and 12th graders asks the question: Has drinking by any family member repeatedly caused family, job, health, or legal problems? If so, who?⁹⁹ There is an identical question for drug use. For the parents' sake, one would hope that the student was not angry with them that morning. Since when have we started having students report on their own parents under the guise of academic testing?

Many state assessments or surveys are linked to the National Assessment of Educational Progress (NAEP). This instrument was developed by a psychologist and reported to be "long on attitudes and opinions and short on substance."¹⁰⁰ Twenty-nine companies and agencies have automatic access to these test results.¹⁰¹ One of these automatic recipients of NAEP data is the same company that developed Osiris, a software package that collects supposedly local student data from individual school districts here in Minnesota.

In addition to this "academic" data, there is health information. Besides standard immunization data, the national data outline mentioned above asks for soft tissue condition of the mouth, any blood lab tests that were done (will HIV tests also be included?), and various questions about mother's prenatal history.¹⁰² Plans for a national immunization registry also include plans to eventually develop a nationalized and computerized complete medical record. This was discussed at a conference sponsored by the Robert Wood Johnson Foundation with the Center for Disease Control and various state departments of health in June of 1998.¹⁰³

Lastly, there is the "human resource" data in the portfolio. Minnesota belongs to O*NET which is Occupation Information Network. Worker characteristics, evaluated and entered into this database, include moral values, social orientation, and adaptability.¹⁰⁴ Hopefully the student was on the good side of the evaluator that day.

Britain's Tavistock Institute is working with the U. S. and Europe to develop an international "smart card" that would be the worker's ticket to employment anywhere in the world. This system would use information provided by Goals 2000, STW and the National Skills Standards Board as well as from SCANS.

Minnesota's Smart Card program was initially planned as a "voluntary" program for state employees and was then to be expanded statewide, a plan that was defeated in the 1997 legislative session. The computer chip was to have held health insurance information, medical records, and the unique patient identifier (defeated, or at least, delayed by the 1998 Congress).

After defeat, plans for development were switched to a joint Office of Technology / Minnesota Tradepoint venture. Minnesota's effort is funded by the state, United Nations and World Bank dollars.¹⁰⁵

This very personal data is held in numerous data banks which can be accessed by potentially hundreds of employees and bureaucrats. All of this data can be cross-referenced with other data banks of public information, so that a complete dossier can be developed for every individual. The potential for error, tampering, and theft is enormous. Consent is often implied or not obtained at all when gathering or disseminating this data. This information follows students for life and will be shown to employers with huge potential impact.

Regarding the use of this data, the *Minnesota's Goals 2000 Technology Plan* says that "Technology provides both a record of a student's academic history and the management of learning progress and activities."¹⁰⁶ Educational data privacy and law expert Beverly Eakman

shows in her work, *The Cloning of the American Mind*, that this psychological data will be used to develop individualized curricula to change a given student's attitudes and then retests will determine if the strategy was effective.¹⁰⁷ Because it will be over the computer, parents will have no chance to evaluate it or comment. Even the president of a Pennsylvania communications firm who used to support funding for Goals 2000 called this type of psychological manipulation "thought control."¹⁰⁸ It is clearly unethical, immoral, and unconstitutional. It is interesting that TIES, a CFL approved data gathering company, also develops computerized curriculum modules.¹⁰⁹

Another use of this data is the profiling of individual students for medical and mental health services to be paid for with Medicaid dollars in school-based clinics with less parental control.¹¹⁰ An exhibit in the *Minnesota School Health Guide* contains 20 pages of "Guidelines for the Early Identification of Mental Health Needs in Children and Youth."¹¹¹

Items include asking a mother about her infant's feelings: e.g. "Does your child ever display any feelings that concern you out-of-the-ordinary? (cries excessively, cries too little, irritable, anxious)?" The instructions to medical personnel contains the following instructions:

"From observation, is there anything unusual or disquieting that was observed between the parent and child that could reflect a lack of knowledge about appropriate parenting skills or a possibility of mistreatment? Record your observations and consider this sufficient for referral." (Emphasis added.)

Are we entering the world described by Harvard University Psychology Professor, Dr. Chester Pierce, as follows:

Every child in America entering school at the age of five is insane because he comes to school with certain allegiances toward our Founding Fathers, toward his parents, toward belief in a supernatural being, toward sovereignty of this nation as a separate entity... It's up to you to make all these sick children well."¹¹²

Another use of student data is the development of surveys by supposedly independent research firms that miraculously reveal public support for new education policies and spending in state legislatures. An example of this type of "survey" is the National Household Education Survey which preselects certain households based on parent and demographic information which guarantees that the answers will be what the firm wants to hear.¹¹³ For example, the emphasis from this firm over the past year has been the supposed strong support for preschool and early education experiences.¹¹⁴ Did anyone notice the latest push for more federal spending on daycare and early childhood education coming from Bill and ("It takes a village") Hillary Clinton?

Unfortunately, current laws dealing with data privacy are both weak and totally outdated considering the abuse of data made possible by modern technology. For detailed information on this issue, see Beverly's Eakman's book *The Cloning of the American Mind*,¹¹⁵ and to the Internet sites for Citizens for Choice in Health Care—<http://www.cchc-mn.org>—or the Electronic Privacy Information Center (EPIC) at <http://www.epic.org>.

One policy that would help guard against the gathering of invasive psychological and family information in the classroom would be an "opt in" policy where no psychological surveys could be given without the parent's written consent. Right now, Minnesota schools follow a policy of "implied consent." Neither parents, nor students, are asked about the administration of the test. This opt in policy was developed in Texas when parents sued the schools over non-consensual invasive testing. This policy also allows parents to see the test.¹¹⁶

It is often said that eternal vigilance is the price of freedom. Unless we wake up from our slumber regarding the use and misuse of data in our children's education, we will enter the brave

new world described by Aldous Huxley where we grow to love our servitude.¹¹⁷ Is it any surprise that Minnesota's Technology Plan referred to the new system of education as Minnesota's "brave new world?"¹¹⁸

Notes:

91. Goals 2000 Technology Plan, p. 4.
92. Minnesota Department of Children, Families and Learning, Minnesota Automated Recording Student System Instruction Manual—System Overview Part 1: List of Software Vendors Certified for MARSS Reporting, (<http://CFL.state.mn.tech/marsmnnl.htm>), p. 4.
93. Goals 2000 Technology Plan, Appendix A, p. 3.
94. Information from TIES Internet site under Student Information Section, (<http://ties.k12.mn.us/index.html>).
95. Ibid.
96. Minnesota Department of Children, Families and Learning, Minnesota Automated Recording Student System Instruction Manual, Data Elements and Definitions, (<http://cfl.state.mn.us/tech/marsmnnl.htm>).
97. U. S. Government Printing Office, Student Data Handbook, Chapter 3, Data Element Outline.
98. Eakman, B. K., *The Cloning of the American Mind: Eradicating Morality through Education*, (Lafayette, Louisiana, Huntington House, 1998), p. 72.
99. Ibid., p. 13
100. Ibid., p. 26.
101. Ibid., pp. 70 - 71.
102. Student Data Handbook, pp. 23 - 25.
103. Robert Wood Johnson Foundation, "All Kids Count Conference: Summary Proceedings," p. 2. (<http://www.allkidscount.org/propres5.htm#privacy>).
104. U.S. Department of Labor, Occupational Information Network, Content Model Worker Characteristics, (<http://dolea.gov/programs/onet/workchar.htm>).
105. Citizens for Choice in Health Care, Update, winter 1998, p. 2.
106. Minnesota Goals 2000 Technology Plan, p. 15
107. Eakman, pp. 61 - 63.
108. Eakman, p. 42.
109. Ties, see website under "Projects."
110. Eakman, p. 369.
111. Minnesota Department of Health, Minnesota School Health Guide, 1997, Exhibit in Chapter 11.
112. Eakman, p. 369.
113. Minnesota MEDFAX, Vol. 3, No. 32, May 20, 1996.
114. Pioneer Press, December 19, 1996.
115. Eakman, pp. 83 - 86.
116. National Center for Education Statistics, National Household Education Survey, Publications list found at <http://nces.ed.gov/pubsearch/getpubcats.idc?sid=004>.
117. Aldous Huxley, *Brave New World*, (New York: Harper and Row, 1946), p. 13
118. Goals 2000 Technology Plan, p. 43.