When Guarding Student Data Endangers Valuable Research

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There is widespread concern over threats to privacy posed by the extensive personal data collected by private companies and public agencies.

Some of the potential danger comes from the government: The National Security Agency has swept up the telephone records of millions of people, in what it describes as a search for terrorists. Other threats are posed by hackers, who have exploited security gaps to steal data from retail giants like Target and from the federal Office of Personnel Management.

Resistance to data collection was inevitable — and it has been particularly intense in education.

Privacy laws have already been strengthened in some states, and multiple bills now pending in state legislatures and in Congress would tighten the security and privacy of student data. Some of this proposed legislation is so broadly written, however, that it could unintentionally choke off the use of student data for its original purpose: assessing and improving education. This data has already exposed inequities, allowing researchers and advocates to pinpoint where poor, nonwhite and non-English-speaking children have been educated inadequately by their schools.

Data gathering in education is indeed extensive: Across the United States, large, comprehensive administrative data sets now track the academic progress of tens of millions of students. Educators parse this data to understand what is working in their schools. Advocates plumb the data to expose unfair disparities in test scores and graduation rates, building cases to target more resources for the poor. Researchers rely on this data when measuring the effectiveness of education interventions.

To my knowledge there has been no large-scale, Target-like theft of private student records — probably because students’ test scores don’t have the market value of consumers’ credit card numbers. Parents’ concerns have mainly centered not on theft, but on the sharing of student data with third parties, including education technology companies. Last year, parents resisted efforts by the tech start-up InBloom to draw data on millions of students into the cloud and return it to schools as teacher-friendly “data dashboards.” Parents were deeply uncomfortable with a third party receiving and analyzing data about their children.

In response to such concerns, some pending legislation would scale back the authority of schools, districts and states to share student data with third parties, including researchers. Perhaps the most stringent of these proposals, sponsored by Senator David Vitter, a Louisiana Republican, would effectively end the analysis of student data by outside social scientists. This legislation would have banned recent prominent research documenting the benefits of smaller classes, the value of excellent teachers and the varied performance of charter schools.

Under current law, education agencies can share data with outside researchers only to benefit students and improve education. Collaborations with researchers allow districts and states to tap specialized expertise that they otherwise couldn’t afford. The Boston public school district, for example, has teamed up with early-childhood experts at Harvard to plan and evaluate its universal prekindergarten program.
In one of the longest-standing research partnerships, the University of Chicago works with the Chicago Public Schools to improve education. Partnerships like Chicago’s exist across the nation, funded by foundations and the United States Department of Education. In one initiative, a Chicago research consortium compiled reports showing high school principals that many of the seniors they had sent off to college swiftly dropped out without earning a degree. This information spurred efforts to improve high school counseling and college placement.

Specific, tailored information in the hands of teachers, principals or superintendents empowers them to do better by their students. No national survey could have told Chicago’s principals how their students were doing in college. Administrative data can provide this information, cheaply and accurately.

Had the researchers been required to contact every Chicago student or parent to request permission for this process, as would be required by the Vitter bill, the initiative would have been dead. Finding and communicating with tens of thousands of students, many of whom had graduated years earlier, would have been logistically impossible and astronomically expensive. In these cases, institutional review boards have allowed research to go forward without individual consent, so long as the risks to student privacy have been minimized.

Researchers in these partnerships therefore work under strict privacy conditions. In my own research group at the University of Michigan, we work with states and districts to analyze their student-level data. We operate under detailed memorandums of understanding written with our partners to conform with, and go beyond, the requirements of federal and local law in protecting privacy and confidentiality. We keep the data in secure servers accessible only to approved researchers, working on research questions approved by our partners. The data we hold contains no names or other identifying information; rightfully, districts and states hold this most personal data under the tightest of controls. We are subject to civil and criminal penalties for violating the terms of our agreements.

Parents are right to be concerned about the privacy and confidentiality of their children’s data. Some districts and schools have flagrantly violated privacy laws, handing over personal data to companies that use it for their own profit rather than to improve education. This is a clear violation of existing laws, including the Federal Family Educational Rights and Privacy Act. It’s wrong and it should stop.

But passing more laws doesn’t stop scofflaws. Putting teeth in the law does, by creating the threat of real sanctions. Congress should authorize the Education Department to impose serious penalties on districts and states as soon as they are found to have violated privacy regulations. And states, districts and the courts then need to do the hard work of enforcing laws that protect student privacy.

Passing more legislation for lawbreakers to ignore, while inadvertently choking off valuable research by honest analysts, is the worst possible outcome of the effort to improve the safety of our children’s data. We run the risk of turning out the lights, leaving us blind to the enormous inequities in our schools and ignorant of what is effective in correcting them.

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