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Rep. Dave Loebsack (D-IA) Opening Statement for the Early Childhood, Elementary and Secondary Education Subcommittee Joint Hearing, “*How Data Mining Threatens Student Privacy.*”

Good morning, Chairman Rokita, Chairman Meehan, and Ranking Member Clarke. I’d like to thank you for holding today’s hearing and thank our witnesses for being here.

More than ever before, technology plays an essential role in educating our children. Technology-based educational tools and platforms offer important new capabilities for students and teachers at both the K-12 and university levels.

The increasing number of educational iPad and iPhone apps, online study tools, and engagement programs illustrate the growing abundance of tech resources that are being used to meet students’ individual learning needs.

These educational tools generate tremendous amounts of data that are instrumental in improving a student’s learning experience. Data allows teachers to quickly identify and address gaps in student understanding before they fall behind. And by making data available to parents, they can track their child’s progress and participate more fully in their education.

Beyond addressing the needs of individual students, data aids schools in their institutional and administrative functions. School and district leaders rely on data to drive improvement and decision-making around curriculum, technology infrastructure, and staffing.

The availability of new types of data also improves researchers’ ability to learn about learning. Data from a student’s experience in technology-based learning platforms can be precisely tracked, opening the door to more accurately understanding how students move through a curriculum, and at greater scale, than traditional education research is able to achieve.

As data systems become more integrated into the learning and teaching process, we are seeing the impact that they can have on students, teachers, administrators, and policymakers. These systems enable teachers, schools, and districts to make more informed decisions to enhance student learning.

Meanwhile, a growing number of online educational services have the ability to enhance learning within the classroom and extend it beyond the school day. Edmodo, which is used by more than 20 million teachers and students worldwide, allows teachers to set up virtual classrooms and then post homework assignments and other content to extend lessons. Khan Academy has more than 5,000 instructional videos and assessments, which allow students of all ages to learn at their own pace in subject areas ranging from pre-algebra to differential equations, from art history to computer science.

With this explosion in online resources, there is a large amount of new data being generated by children using these services, which raises valid privacy concerns.

The privacy of student education records is protected under FERPA, the Family Educational Rights and Privacy Act. When those student education records are hosted or analyzed by private companies that are helping districts build data systems to drive improvement, those same FERPA protections still apply.

However, when students use online services like Khan Academy—in school or at home—or when teachers use grade and behavior tracking software on their iPads, all of that data are not necessarily covered by FERPA. In those direct interactions between students and software companies, data are being collected to build user profiles, individualize the learning experience, and track progress, but in the cases where FERPA does not apply, it is not always clear what protections exist to guarantee the privacy of those data and ensure companies are not using them to target advertisements at children.

This committee will hear important testimony today about the value that these tailored technological resources provide to students themselves and the importance of ensuring access to data for teachers and researchers seeking to improve education. We'll also hear about the need for consistent privacy policies and current efforts to guarantee the security and privacy of student data.

As we examine the privacy concerns prompted by the rapidly growing education technology sector and the information it collects, it's clear that we must strive to find a balance between privacy and innovation. We must ensure that companies involved in collecting and analyzing student data are not exploiting students' private information for marketing purposes or financial gain.

Data are an invaluable tool. Data empowers teachers, guides individualized learning, and informs policy. As we consider where improvements are needed in privacy regulations, we must be sure that we do not compromise the value of student data.

I look forward to hearing from our witnesses.

Thank you very much.

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