

MARYLAND K-16 COUNCIL
STATEMENT OF
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“NAICU Perspective on Collection of Individual Student Data”

I appreciate having the opportunity to outline the perspectives of private, non-profit institutions about the collection of individual student data. I serve as President of the National Association of Independent Colleges and Universities (NAICU).

About NAICU

With nearly 1,000 members nationwide, NAICU and its member state associations reflect the diversity of private, nonprofit higher education in the United States. Members include traditional liberal arts colleges, major research universities, church- and faith-related institutions, historically black colleges and universities, women's colleges, performing and visual arts institutions, two-year colleges, and schools of law, medicine, engineering, business, and other professions.

Our institutions vary greatly in the missions they serve, but we are united in our commitment to quality and student success. We are united as well in our belief that student and family privacy must be protected. For 30 years, federal privacy laws have allowed schools to release student-specific confidential data only with the written approval of the student. We have strongly supported those laws.

It is primarily for this reason that NAICU has taken an active role in highlighting the serious problems we see with proposals made at the federal level to establish a comprehensive student unit record data system for all college students. In fact, it was the student unit record data proposal unveiled in 2004 that has really brought the privacy issue into renewed focus for our members.

Background on Effort to Establish Federal Student Unit Record System

To provide a quick review, in Fall 2004, the National Center for Education Statistics (NCES) of the Department of Education announced that it was establishing three “technical review panels” to examine the feasibility of establishing a national student unit record data system. Currently, Integrated Postsecondary Education Data System (IPEDS) information is submitted by institutions in the aggregate on data such as enrollments, completions, graduation rates, prices, and financial aid. Under a unit record system, institutions would submit data on a student-by-student basis.

The initial outline of the system anticipated having colleges report all students’ Social Security numbers and other information to the federal government. Information on all 16.5 million post-secondary students in the United States would be collected, including on students who do not receive any federal financial aid. That information

would then be used for research, administration of student aid programs, and Internal Revenue Service (IRS) reports related to education tax credits. The original plan was modified to remove the IRS reporting feature; and NCES officials are now talking about using “bar codes” rather than Social Security numbers as student identifiers.

NAICU staff and members participated in all sessions of the technical review panels. We invited NCES representatives to make a presentation about the proposal at our Fall Leadership Meeting in November 2004. The level of concern expressed by members after this presentation “lit up the Board” to an extent I have rarely seen in my 13 years on the job. The NAICU Board of Directors reaffirmed the association’s commitment to protection of student privacy and gave clear direction to the staff to assure that privacy concerns were fully aired as discussions of the proposed system continued.

We were extremely pleased when, in July 2005, the House Committee on Education and the Workforce unanimously adopted an amendment to the Higher Education Act (HEA) reauthorization bill that would prohibit the Department of Education from using HEA funds for a student unit record data system. This language was not challenged when the full House considered the measure in March of this year.

Primary NAICU Concerns about a Federal Student Unit Record Data System

Fundamentally, we do not believe that the price for enrolling in college should be permanent entry into a federal registry, and that has been the driving force behind our opposition to a federal student unit record data system. Particularly troubling is that all students who enroll in college—even for a single course—will be entered into the system even if they receive no federal aid at all. Moreover, for students who do apply for federal aid and whose families submit a FAFSA (Free Application for Federal Student Assistance), income and asset information about the parent or guardian would be part of this centralized database.

We also fear that the existence of such a massive registry will prove irresistible to future demands for use and additions to the data for non-educational purposes. I recognize that many people do support longitudinal data systems that would collect student data throughout all of one’s schooling and beyond, but our members find this idea chilling.

To date, we have seen no evidence that the benefits to be derived from such a system would outweigh the considerable privacy concerns. A wealth of aggregate data is already available through IPEDS, and this data has helped guide any number of policy questions. The emphasis seems to be on collecting data for data’s sake. Decisions about how it should be used are seen as issues for another day. Certainly, this was the line of thinking that characterized the NCES feasibility study—which failed to articulate clearly the benefits to be derived from the new system. Many states have their own unit record systems, and one would have assumed that evidence would have been presented to show how these systems improved educational outcomes. That didn’t happen.

Ultimately, the feasibility report suggested that unit record data would produce better graduation rate information and might offer better net price information. Speaking to the graduation rate issue, overall, private colleges have the highest graduation rates in the country—rates that would presumably be reported as even higher under a unit record data system. However, having institutions “look better” is not a sufficient reason to sacrifice student privacy.

Some people have equated privacy with security, skipping over the issue of an individual’s right to privacy and going directly to the issue of the security of the data. Assurances are given that modern technology and electronic security practices will keep the data safe. Yet, with increasing frequency, there are reports of serious breaches in the data levees. Just in the second half of May, millions of Americans have had their information security compromised by the National Security Agency, by the theft of more than 26 million veterans’ records, and the theft of student and faculty information from a college’s database. So, no one can say that your information is absolutely secure.

Other Ways to Meet Policy Objectives

We recognize that there are instances in which it is appropriate to collect individual student data. Such data must be provided by recipients of federal student financial aid, for example.

In addition, there are several longitudinal studies conducted by NCES—such as the National Postsecondary Student Aid Study (NPSAS)—where individual student information is obtained to examine questions regarding college financing, student characteristics, program persistence and completion, and post-baccalaureate education and employment.**

These studies are based on a sample of students—not on the entire college population. The findings of these studies have been useful in addressing policy questions. The main criticism I have heard is that these studies do not allow comparisons among individual institutions. To the extent that such comparisons provide useful information to students and their families, careful thought among all affected stakeholders could be given to other sampling mechanisms that would address research needs without having to compile huge dossiers on all college students.

Conclusion

Calls for individual student data on all students often invoke the theme of “accountability.” Accountability to their stakeholders is important to independent institutions, and we have spent a great deal of time exploring what accountability fundamentally means and how it can best be demonstrated. We have done so in the recognition that many individuals and entities have a stake in how well we perform.

At the heart of the question, institutions have the responsibility to identify their missions and the means for assessing their progress towards their goals. They then have the responsibility to convey appropriate information to the appropriate audiences. Students and policymakers need different kinds of information. Students need

information that allows them to make informed choices among institutions, while policymakers require aggregate, collective information about the status and progress of higher education.

The solution is not to collect whatever data that exists about an individual and then decide what to do with it, if anything. Policymakers need to specify what issues they want to address, what research questions help address those issues, what data inform those research questions, and what is the best way to collect those data within our culture of rights and laws. This has been woefully lacking in the current debate.

We believe that existing data systems meet present needs and that collecting individual data about students throughout their lifetimes simply cannot be justified.