

Thank you, members of the Education Committee, for the opportunity to give my testimony. My name is Karen Krenz, I am from District 1 in Williston and a mother of three boys. I was a teacher and counselor for 23 years in North Dakota. I am asking that you render a DO PASS for SB 2105.

There has been a movement across our country in the education system to gather information on our children for quite some time now, it is referred to as data mining. Data mining is a process used by companies to turn raw data into useful information. We all need to keep in mind collecting data is interpreted through the person who is looking at the results and very well could be through an “equity lens” of systemic racism & oppression. This will result in producing biased results. Our surveys are being given and interpreted by third parties not by in house teachers and administrators. In fact, in recent research we have found out that our Panorama surveys that are being done in our school system are being interpreted by AI. An example of a question on a survey may be: “How often were you polite to adults?”, translation through equity lens the scores indicate: “students lack respect because teachers are creating tension with their own prejudices and discrimination in the class”, resulting in an intervention of teachers needing more DEI and anti-racism training. Keeping survey results within our local school systems ensures that surveys are looked at and scored according to our community's interpretation rather than an outside entity's.

The Family Education Rights and Privacy Act (FERPA) when it was first introduced it protected the privacy of the students. The law prohibited schools from disclosing Personally Identifiable Information (PII) to non-school officials without parental consent or notification. In 2008 and 2009 the bill was amended and started allowing schools to share data with third party companies and organizations without parent consent. On page 5 of the United States Department of Education FERPA policy, you will find exceptions that exclude privacy rights for students by organization conducting research for, or on behalf of, the school such as improving instruction. In other words, school districts may bypass parent consent to share student mental health information.

https://studentprivacy.ed.gov/sites/default/files/resource_document/file/A%20parent%20guide%20to%20ferpa_508.pdf

My personal experience with third party surveys was when my child's information was given to a third party without my consent a few years ago. After filling out the paperwork to opt my son out of surveys at WBSD #7, I discovered he had received a survey from Panorama, a third-party organization, on his school email address. Panorama had access to every student's school email address and sent surveys to them without parental consent. It is likely that many parents are unaware that third parties possess their children's school email addresses.

It is important to note that the Protection of Pupil Rights Amendment (PPRA) protects students from having to disclose personal information, such as data about sexual behavior, religious practices, or mental health issues. According to our district, WBSD #7, they are exempt from following PPRA law since the surveys are not funded by federal funds. From my understanding, this is misinterpreted by my school district. Parents may be unaware that PPRA requires written parental consent to complete surveys that include the 8 protected areas.

[https://studentprivacy.ed.gov/faq/what-protection-pupil-rights-amendment-ppra#:~:text=File%20a%20Complaint-What%20is%20the%20Protection%20of%20Pupil%20Rights%20Amendment%20\(PPRA\)?,financial%20assistance%20under%20such%20program\)](https://studentprivacy.ed.gov/faq/what-protection-pupil-rights-amendment-ppra#:~:text=File%20a%20Complaint-What%20is%20the%20Protection%20of%20Pupil%20Rights%20Amendment%20(PPRA)?,financial%20assistance%20under%20such%20program))

Courage is a Habit website has a lot of great information on data mining if you are interested in gathering more information on this topic

<https://courageisahabit.org/>

North Dakota children should be protected from third party data mining and parents must have the choice whether to let their children participate in any survey. That is way I support a do pass on this bill.

I stand for questions.

Karen Krenz