



How the feds are tracking your kid

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Would it bother you to know that the federal Centers for Disease Control had been shown your daughter's health records to see how she responded to an STD/teen-pregnancy-prevention program? How about if the federal Department of Education and Department of Labor scrutinized your son's academic performance to see if he should be "encouraged" to leave high school early to learn a trade? Would you think the government was intruding on your territory as a parent?

Under regulations the Obama Department of Education released this month, these scenarios could become reality. The department has taken a giant step toward creating a de facto national student database that will track students by their personal information from preschool through career. Although current federal law prohibits this, the department decided to ignore Congress and, in effect, rewrite the law. Student privacy and parental authority will suffer.

How did it happen? Buried within the enormous 2009 stimulus bill were provisions encouraging states to develop data systems for collecting copious information on public-school kids. To qualify for stimulus money, states had to agree to build such systems according to federally dictated standards. So all 50 states either now maintain or are capable of maintaining extensive databases on public-school students.

The administration wants this data to include much more than name, address and test scores. According to the National Data Collection Model, the government should collect information on health-care history, family income and family voting status. In its view, public schools offer a golden opportunity to mine reams of data from a captive audience.

The department's eagerness to get control of all this information is almost palpable. But current federal law prohibits a nationwide student database and strictly limits disclosure of a student's personal information. So the department has determined that it can overcome the legal obstacles by simply bypassing Congress and essentially rewriting the federal privacy statute.

Last April, the department proposed regulations that would allow it and other agencies to share a student's personal information with practically any government agency or even private company, as long as the disclosure could be said to support an evaluation of an "education program," broadly defined. That's how the CDC might end up with your daughter's health records or the Department of Labor with your son's test scores.

And you'd have no right to object — in fact, you'd probably never even know about the disclosure.

Not surprisingly, these proposed regulations provoked a firestorm of criticism. But on Dec. 2, the Department of Education rejected almost all the criticisms and released the regulations. As of Jan. 3, 2012, interstate and intergovernmental access to your child's personal information will be practically unlimited. The federal government will have a de facto nationwide database of supposedly confidential student information.

The department says this won't happen. If the states choose to link their data systems, it says, that's their business, but "the federal government would not play a role" in operating the resulting megadatabase.

This denial is, to say the least, disingenuous. The department would have access to the data systems of each of the 50 states and would be allowed to share that data with anyone it chooses, as long as it uses the right language to justify the disclosure.

And just as the department used the promise of federal money to coerce the states into developing these systems, it would almost certainly do the same to make them link their systems. The result would be a nationwide student database, whether or not it's "operated" from an office in Washington.

The loosening of student-privacy protection would greatly increase the risks of unauthorized disclosure of personal data. Even the authorized disclosure would be limited only by the imaginations of federal bureaucrats.

Unless Congress steps in and reclaims its authority, student privacy and parental control over education will be relics of the past.

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