Idaho Citizen Objections to Panorama Student Survey

Panorama Survey violates Idaho Statute Title 33-133

As concerned Idaho voters, we ask that each of you consider your obligations to uphold and support Idaho statutes and protect Idaho Students.

To State Superintendent Sherri Ybarra & [Allison Westfall](mailto:awestfall@sde.idaho.gov) with the State Department of Education & [Blake Youde](mailto:blake.youde@osbe.idaho.gov) with the State Board of Education.

Thank you very much for the opportunity to provide input regarding the Panorama Student Survey, or Idaho Student Engagement Survey which would be administered via the SBAC online delivery system.

As presented, the intent of this survey is gathering student data to publicly identify Idaho’s lowest-performing public schools for support and intervention. Technically this is a survey to gather data on students, but not necessarily for the purposes of placement in the student’s educational record. This particular variable has not been disclosed to the public.

However, several concerns have arisen regarding either type of survey and compliance with Idaho Statute Title 33 Chapter 1. Title 33 does not include any type of surveys in which to gather student data, regardless of the survey’s purpose. Data collection on students is strictly for their educational record. This statute has specific student data collection, use, and limitations which the survey violates.

Title 33 Chapter 1-133

**1 (b)” AGGREGATE DATA" MEANS DATA COLLECTED AND/OR REPORTED AT THE GROUP, COHORT OR INSTITUTIONAL LEVEL.**

The reported purpose of this survey, that the data collection is intended to be used for incorporation into ESSA compliance plan, then publicly released, exceeds the limitation for only the group, cohort, or institutional level. This data is not being collected for any student educational record or at an institutional level, but for an assessment of schools, which is a separate entity for which the data is collected.

**1(i)"PROVISIONAL STUDENT DATA" MEANS NEW STUDENT DATA PROPOSED FOR INCLUSION IN THE DATA SYSTEM.**

While this may be used as reasoning for the collection of survey data, it again is separate from any educational record data, the data is being collected for a separate assessment purpose. Is it the intention of the ISBOE to propose that survey data for school performance, using student responses, will be included in the data system?

**1(j)"STUDENT DATA" MEANS DATA COLLECTED AND/OR REPORTED AT THE INDIVIDUAL STUDENT LEVEL INCLUDED IN A STUDENT’S EDUCATIONAL RECORD.**

The survey could be interpreted as “student data” in that the responses are from individual students, however, as previously mentioned, there has been no clarification if those responses will be included in the student’s educational record. Per the statute, student data includes assessment results, credits earned, grades, demographics, attendance, discipline reports, and other student related items as part of their educational record. The statue clearly does not include collecting student data via a survey for the purposes of assessing school performance. Will the results from this survey be included in the student’s educational record, which the statute does not support, or is the intent of the data strictly for the purpose of assessing school performance? If only for the purpose of assessing school performance, the statute does not support data collection via a survey for this purpose, data is to be collected only for educational records.

**1(j)(ii)(8) STUDENT’S EDUCATIONAL RECORD SHALL NOT INCLUDE**… **ANY DATA THAT MEASURES PSYCHOLOGICAL RESOURCES, MIND SET… DISPOSITIONS, SOCIAL SKILLS, ATTITUDES OR INTRAPERSONAL RESOURCES.**

The type of student data allowed for collection is defined in 33-133(j)(i). Regardless of whether the survey results will be placed in the student’s record, the student engagement survey appears to violate this section of the statute.

**1(k)"STUDENT EDUCATIONAL RECORD" MEANS ALL INFORMATION DIRECTLY RELATED TO A STUDENT AND RECORDED AND KEPT IN THE DATA SYSTEM….**

As currently proposed, the survey is information directly related to a student for recording in an existing data system. However, the purpose of the survey is not related to the student concerning their education status or progress, it is related to a federal ESSA requirement.

The survey has four categories of questions. In the first category is “Perception of the overall social and learning climate of the school”. In all questions in this category, the student must answer questions based on their psychological resources, how they feel about a subject, whether positive or negative. There is also an undertone of whether the student’s social skills are adapting to various situations in the school setting.

The second category, “School Teacher-Student Relationships” measures social connections between teachers and students, not limited to just the school, but also beyond the school. Relationships are built from social skills and attitudes. It is also a measure of the student’s disposition towards teachers and others, and their attitudes about their school.

According to the statute this type of data collection for a student’s record is not listed under 1(j). The statute also does not state this type of data collection can be obtained by other methods such as a survey of other means even though not intended for a student’s record.

Category three, “School Safety”, specifically states intent to measure perceptions of the student “psychological safety”. The statute states any data measuring psychological resources will not be included in the student’s record. However, it does not state psychological data can be gathered from an outside survey for the purposes of evaluating a separate entity such as a school.

The fourth category is grit. Grit is defined as firmness of mind or spirit, toughness, determination, or resolution. Data on student attitudes and intrapersonal resources is prohibited in the students record, but again, the statute does not state this type of data can be collected for other purposes.

Overall, there is serious concern that this proposed data collection, which will be collected and stored in an existing student data system will become part of the student’s record. As such, it is a violation of Idaho statute.

**3 THE STATE BOARD OF EDUCATION SHALL:**

**(a)  …MAKE PUBLICLY AVAILABLE A DATA INVENTORY AND DICTIONARY OR INDEX OF DATA ELEMENTS WITH DEFINITIONS OF INDIVIDUAL STUDENT DATA FIELDS CURRENTLY IN THE STUDENT DATA SYSTEM INCLUDING:**

**(i)  ANY INDIVIDUAL STUDENT DATA REQUIRED TO BE REPORTED BY STATE AND FEDERAL EDUCATION MANDATES**

**II)  ANY INDIVIDUAL STUDENT DATA THAT HAS BEEN PROPOSED FOR INCLUSION IN THE STUDENT DATA SYSTEM WITH A STATEMENT REGARDING THE PURPOSE OR REASON FOR THE PROPOSED COLLECTION;**

It appears that the proposed survey might fall under this category being a federal education mandate for data regarding school performance. Under (a)(i) is it the intent of the IBOE to include the survey results in the existing data system? If so, the survey violates section 1(k) for the type of data being gathered. The stated reason for the survey is the federal mandate on school performance, not student data, and the survey should not be included under this section.

**3(b)(i) ACCESS TO STUDENT DATA IN THE STUDENT DATA SYSTEM SHALL BE RESTRICTED:**

**3(b)(vi) ENSURE THAT…ONLINE SERVICES…WITH PRIVATE VENDORS SHALL INCLUDE…A PROVISION THAT PRIVATE VENDORS ARE PERMITTED TO USE AGGREGATED DATA…ONLY IF THE VENDOR DISCLOSES IN CLEAR DETAIL THE SECONDARY USES AND RECEIVES WRITTEN PERMISSION FROM THE STUDENT’S PARENT OR LEGAL GUARDIAN.**

**3(c)  UNLESS OTHERWISE APPROVED BY THE STATE BOARD OF EDUCATION, ANY DATA DEEMED CONFIDENTIAL PURSUANT TO THIS ACT SHALL NOT BE TRANSFERRED TO ANY FEDERAL…ENTITY OUTSIDE OF THE STATE OF IDAHO...WITH EXCEPTIONS.**

What agreements, if any, have been made with the survey vendor regarding access to the survey results? Has an agreement with the SBAC vendor been created regarding the use of this data? Or is access restricted to both vendors? Does an interagency agreement exist between the state and federal government for sharing results from the survey? Does the IDBOE anticipate bringing such agreements to the senate and house education committees before January 15, 2018 prior to implementation of any survey as the statute requires(3(b)(i)? What provisions have been made to ensure parental or guardian permission is obtained?

None of the exceptions under 3(c)include student data for the purposes of evaluating school performance.

**3(g) NOTIFY THE GOVERNOR AND THE LEGISLATURE ANNUALLY OF THE FOLLOWING:**

**(i)  NEW STUDENT DATA PROPOSED FOR INCLUSION IN THE STATE STUDENT DATA SYSTEM:**

Is it the intent of the IBOE to propose this survey data be included in the student data system and submit it to the legislature for approval?

This current proposed student engagement survey is not a valid or reliable survey and has no relation to a student’s academic status.

Superintendent Ybarra stated, “…the state has permission to use the already-developed Panorama Student Survey and administer it to students using the American Institutes for Research technology platform that Idaho students already use to take assessment tests each spring."  From where or by who was permission granted to use this survey? If permission was granted by the IBOE, then it once again begs the question, is it their intent to present this to the legislature for approval to include this survey data into the student data system? And if that is the case, how will the statute be modified for the inclusion of psychological data which the survey captures?

It might behoove the IBOE to consider using statistical data, rather than an intrusive survey, to satisfy the ESSA requirements for school performance such as absentee rates, number of safety incidents, number of students reporting feelings of anxiety or distress to teachers or school counselor, teacher reports on the number of students in each class who are not participating or turning homework in, complaints received on teachers, and how many students are engaged in some type of extracurricular activity, credits that have been recovered or accrued, all of which are outlined in the Draft Accountability Framework on the IBOE website.

In other words, the student engagement statistics can be obtained without giving students a survey that violates Idaho statue.

Regards,

Concerned Citizens of Idaho