

J. MICHAEL SMITH, ESQ.
PRESIDENT (CA, DC, VA)

JAMES R. MASON III, ESQ.
SENIOR COUNSEL (DC, OR)

SCOTT A. WOODRUFF, ESQ.
SENIOR COUNSEL (VA, MO)

DARREN A. JONES, ESQ.
ATTORNEY (CA)

WILLIAM A. ESTRADA, ESQ.
ATTORNEY (CA)

HSLDA

Advocates for Homeschooling

MICHAEL P. FARRIS, ESQ.
CHAIRMAN (DC, WA)

DEWITT T. BLACK III, ESQ.
SENIOR COUNSEL (AR, SC, DC)

THOMAS J. SCHMIDT, ESQ.
ATTORNEY (CA)

MICHAEL P. DONNELLY, ESQ.
ATTORNEY (MA, NH, WV, DC)

SCOTT W. SOMERVILLE, ESQ.
OF COUNSEL (VA, MD)

MARY E. SCHOFIELD, ESQ.
OF COUNSEL (CA)

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The Elementary and Secondary Education Act: Why Congress Should Reauthorize Section 9531 to Prohibit a National Student Database

William A. Estrada, Esq.
Director of Federal Relations

As Congress prepares to reauthorize ESEA, we respectfully urge Congress to retain Section 9531 in ESEA to protect the privacy of student data by prohibiting federal funds from being used to create a national student database.

Section 9531 was inserted into the No Child Left Behind Act in 2001. We believe that Section 9531 has helped to ensure the integrity of personal information for public, private, and homeschooled students. At the same time, this section has not kept the federal government from enacting education programs that are designed to help state and local education associations, public schools, and public school students. For these reasons, we urge that Section 9531 be retained unchanged.

- **Section 9531 [20 U.S.C. 7911]: Protection of student privacy**

““SEC. 9531. PROHIBITION ON NATIONWIDE DATABASE.
“Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.”

Why a national database of student information should be opposed

Privacy advocates, as well as homeschoolers, religious schoolers, and private schoolers, are very concerned with federal attempts to create a national database of students. Such a data system would keep detailed records of all American public school children, and may include homeschool or private school students who enroll in a public school class, or who were educated in a public school at some point during their lives. This has the potential to increase the risk of identity theft, or even put children and their families in danger.

A national database seems to demonstrate a “Big Brother” philosophy of monitoring and tracking young citizens. It would be extremely expensive to run and maintain. Currently, the states and federal government track disaggregated data on students, leaving no clear reason for why there has to be more detailed, personally identifiable data kept on students.

Section 9531 should be reauthorized in ESEA to protect the privacy and records of students.