

MAJORITY MEMBERS:

GEORGE MILLER, CALIFORNIA, Chairman  
DALE E. KILDEE, MICHIGAN, Vice Chairman  
DONALD M. PAYNE, NEW JERSEY  
ROBERT E. ANDREWS, NEW JERSEY  
ROBERT C. "BOBBY" SCOTT, VIRGINIA  
LYNN C. WOOLSEY, CALIFORNIA  
RUBÉN HINOJOSA, TEXAS  
CAROLYN MCCARTHY, NEW YORK  
JOHN F. TIERNEY, MASSACHUSETTS  
DENNIS J. KUCINICH, OHIO  
DAVID WU, OREGON  
RUSH HOLT, NEW JERSEY  
SUSAN A. DAVIS, CALIFORNIA  
RAÚL M. GRIJALVA, ARIZONA  
TIMOTHY H. BISHOP, NEW YORK  
JOE SESTAK, PENNSYLVANIA  
DAVID LOEBSACK, IOWA  
MAZIE HIRONO, HAWAII  
JASON ALTMIRE, PENNSYLVANIA  
PHIL HARE, ILLINOIS  
YVETTE D. CLARKE, NEW YORK  
JOE COURTNEY, CONNECTICUT  
CAROL SHEA-PORTER, NEW HAMPSHIRE  
MARCIA L. FUDGE, OHIO  
JARED POLIS, COLORADO  
PAUL TONKO, NEW YORK  
PEDRO R. PIERLUISI, PUERTO RICO  
GREGORIO KILILI CAMACHO SABLAN,  
N. MARIANA ISLANDS  
DINA TITUS, NEVADA  
JUDY CHU, CALIFORNIA



COMMITTEE ON EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
2181 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

JOHN KLINE, MINNESOTA,  
Senior Republican Member  
THOMAS E. PETRI, WISCONSIN  
HOWARD P. "BUCK" McKEON, CALIFORNIA  
PETER HOEKSTRA, MICHIGAN  
MICHAEL N. CASTLE, DELAWARE  
MARK E. SOUDER, INDIANA  
VERNON J. EHLERS, MICHIGAN  
JUDY BIGGERT, ILLINOIS  
TODD RUSSELL PLATTS, PENNSYLVANIA  
JOE WILSON, SOUTH CAROLINA  
CATHY McMORRIS RODGERS, WASHINGTON  
TOM PRICE, GEORGIA  
ROB BISHOP, UTAH  
BRETT GUTHRIE, KENTUCKY  
BILL CASSIDY, LOUISIANA  
TOM McCLINTOCK, CALIFORNIA  
DUNCAN D. HUNTER, CALIFORNIA  
DAVID P. ROE, TENNESSEE  
GLENN THOMPSON, PENNSYLVANIA

April 27, 2010

The Honorable Arne Duncan  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary Duncan:

The American Recovery and Reinvestment Act (ARRA) provided significant funding to create and enhance state data systems that will enable all states to generate and use education data in a variety of ways. Such data is useful for district and school efforts to improve teaching and close achievement gaps, but great care must be taken to ensure that all information is closely guarded to protect student privacy. We are writing to request a review of state data systems' compliance with the Family Educational Rights and Privacy Act (FERPA).

The Committee on Education and Labor held a hearing on this topic on April 14, 2010, to more fully understand what student information is collected, how it is used, and what privacy protections are in place. During this hearing, witnesses raised potential privacy concerns associated with the volume and type of student data collected, particularly if it is done without appropriate safeguards. Professor Joel Reidenberg of the Fordham University School of Law testified that several existing state student databases appear to be out of compliance with FERPA. This is alarming particularly in light of efforts to expand these databases.

Federal efforts to expand and standardize student data systems should not even be considered when the security of existing data systems remains in question. Therefore, we request that you direct the Family Policy Compliance Office (FPCO) to conduct a review of existing state data systems and assess their compliance with FERPA. We would appreciate a report on its findings no later than June 30, 2010.

The Honorable Arne Duncan  
April 27, 2010  
Page 2

Thank you for your attention to this request. Please contact Mandy Schaumburg of the Committee staff at (202) 225-6558 if you have any questions regarding this request.

Sincerely,



John Kline  
Senior Republican Member



David P. Roe  
Member of Congress