

**PARENTAL PERMISSION WITHHELD**

**To:** Martell Menlove, Ph.D., Utah State Superintendent of Public Instruction

**Given that:**

- The Federal government has established the **National Education Data Model** to facilitate state collection and sharing of **behavioral, health, psychological, and family data.** <sup>1</sup>
- In 2012, Utah created a new law to assess “**student behavior indicators.**” <sup>2</sup>
- Utah also requires that “**Computer Adaptive Tests**” (CATs) be used in all Utah schools. <sup>3</sup>
- Utah has partnered with **behavioral testing**<sup>4</sup> company AIR to provide CAT tests <sup>5</sup>
- Utah has stated its intent to **upload Utah student data** to an AIR database in 2013. <sup>6</sup>
- Utah plans to keep CAT test questions **secret from 98% of Utah parents.** <sup>7</sup>
- Utah has **not released to the public** the student data types tracked in Utah’s Federally-funded longitudinal database.
- Parents have a **natural right** and responsibility to direct the upbringing and education of their own children. <sup>8</sup>
- These natural rights are protected by the **US Constitution, Utah State Constitution, and Utah Code** Title 62A, Ch4a, Sec. 201, which states that parents have a “fundamental liberty interest in the care, custody, and management of the parent’s children.” <sup>9</sup>

**I, the undersigned,** as parent/guardian of \_\_\_\_\_ hereby withhold permission from the USOE, and from any Utah State employee, agent, volunteer, official, or affiliate (“State of Utah”) to disclose my child’s Student Data <sup>10</sup> to AIR, the Federal Government, or any other third party without my permission. Further, I withhold my permission from the State of Utah to compel my child to participate in any Computer Adaptive Testing.

This communication is the entire communication with respect to its subject matter and supersedes all earlier oral or written agreements or communication, including, but not limited to any previous permission to release student directory information.

**NAME OF PARENT/GUARDIAN:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## NOTES

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- <sup>1</sup> National Education Data Model, including behavioral, health, & other personal data elements: [tinyurl.com/cyecjw7](http://tinyurl.com/cyecjw7). See example Student Data, below.
- <sup>2</sup> Utah HB 15 (passed in 2012), line 59: [tinyurl.com/cxln3wk](http://tinyurl.com/cxln3wk)
- <sup>3</sup> Utah HB 15 (passed in 2012), lines 9, 10, 11: [tinyurl.com/cxln3wk](http://tinyurl.com/cxln3wk)
- <sup>4</sup> AIR behavioral testing: [tinyurl.com/bp55kxd](http://tinyurl.com/bp55kxd) and behavioral profiling: [tinyurl.com/bwfdmnr](http://tinyurl.com/bwfdmnr)
- <sup>5</sup> Utah contracted with AIR to provide Computer Adaptive Tests: [tinyurl.com/cpxuoxk](http://tinyurl.com/cpxuoxk)
- <sup>6</sup> Utah student data to be uploaded to AIR: [tinyurl.com/cuipjpf](http://tinyurl.com/cuipjpf)
- <sup>7</sup> Utah CAT tests to be shared with 15 of 700,000 Utah parents (line 22): [tinyurl.com/cxln3wk](http://tinyurl.com/cxln3wk)
- <sup>8</sup> See proposed Parental Rights Amendment to the US Constitution: [tinyurl.com/cgyl57](http://tinyurl.com/cgyl57)
- <sup>9</sup> Natural parental rights protected by US Constitution, Utah State Constitution, and Utah law: [tinyurl.com/d4tqfpv](http://tinyurl.com/d4tqfpv)
- <sup>10</sup> “Student Data,” for the purposes of this document includes, but it not limited to, **behavioral, psychological, health, religious, political, and values-oriented data**; data elements in the National Education Data Model (NEDM) (see [tinyurl.com/crd944a](http://tinyurl.com/crd944a)); and data elements in the Common Education Data Standards ([tinyurl.com/cc7unk7](http://tinyurl.com/cc7unk7)). The NEDM includes over 400 student data elements, including the following:

### NEDM Example Student Tracking Data

Ability Grouped Status	Former Legal Name
Additional Post-school Accomplishments	Head of Household
Additional Special health Needs, Information, or Instructions	Health Care History Episode Date
Alias	Health Care Plan
Allergy Alert	Health Condition Progress Report
Amount of Non-school Activity Involvement	Hospital Preference
At-Risk Status	Immigrant Status
Birthdate	Immunization Status
Bus Stop Distance	Life Status
Career Objectives	Maternal Last Name
Compulsory Attendance Status at Time of Discontinuing School	Medical Laboratory Procedure Results
Days Truant	Neglected or Delinquent Status
Developmental Delay	Number of Dependents
Dwelling Arrangement	Number of Tardies
Early Intervention Evaluation Process Description/Title	Other Name
Economic Disadvantage Status	Overall Health Status
Electronic Mail Address	Planned Assessment Participation
Evaluation Parental Consent Date	Religious Affiliation
Expulsion Cause	Residence After Exiting/Withdrawing from School
Family Income Range	Social Security Number (SSN)
	Telephone Number
	Voting Status