
Protecting Student Data: Balancing Access & Privacy in the Current Legislative Landscape

EXECUTIVE SUMMARY

Enhancing data privacy for students is crucial. Achieving this objective, while also preserving students' access to necessary college-planning information, has become increasingly challenging for policymakers and more critical in the time of covid-19. With the public policy environment rapidly evolving, it's important for higher education officials to have a clear understanding of what's at stake.

This paper provides information on:

1. The national student data privacy discussion;
2. Implications for students and for higher education institutions as they work to diversify their campuses;
3. The role of parental consent;
4. Benefits of the College Board Student Search Service®; and
5. Ways higher education professionals can help their students.

An Overview of the National Student Data Privacy Discussion

As the presence of technology and online learning expands in schools and other aspects of students' lives in response to the covid-19 crisis, protecting student data has assumed a new urgency. Across the country, safeguarding student data is a public policy priority. In 2019 alone, more than 116 student data privacy bills were introduced across 33 states. At the same time, federal, state, and school district policymakers have remained focused on connecting students with postsecondary and scholarship opportunities. Ensuring that these two worthwhile goals do not work at cross-purposes is critical. Higher education officials can help policymakers strike the right balance.

Potential Impacts of Data Privacy Legislation

As more states seek to improve their K–12 and higher education systems and improve college-going rates, policymakers are increasingly providing college-entrance and college-readiness assessments, for free, to students. But as states consider stricter privacy rules around sharing student information collected as part of the school day, policymakers risk shutting off the very benefits they're creating.

Enhancing data privacy for students is crucial. If too broadly worded, however, important and well-intentioned data privacy laws could also have the unintended consequence of restricting colleges and universities' ability to achieve their mission and enrollment goals. Legislative prohibitions that, for example, don't differentiate nonprofit organizations from commercial entities or that treat all data-sharing programs alike, could severely hinder the ability of institutions to recruit and admit economically, racially, and geographically diverse classes. They may also prevent students from taking steps to advance their social and economic mobility by earning a college degree. Over the course of a lifetime, individuals with a bachelor's degree earn about \$400,000 more, on average, than individuals with a high school degree.

“Any law that erects additional barriers would make it more difficult for already-underrepresented students to get information about their college options, including programs of interest, financial aid, and scholarship opportunities.” – Peter Wilson, Director of Undergraduate Admissions, Deputy Dean and Chief of Staff, University of Chicago.

Programs such as the College Board Student Search Service (Search), through which students may voluntarily opt in to share their information with colleges for the limited purpose of receiving information about colleges, financial aid, and scholarships, increase the likelihood that students will send their college entrance exam scores to colleges and ultimately enroll. The probability of a student sending their SAT® score to an institution goes up 23% when that college connects with a student through Search, and that increases dramatically for underrepresented students: African American students (46%), first-generation students (49%),

and low-income students (42%). And students who opt in to Search are 12% more likely to enroll in a four-year college compared to identical students who do not opt in to Search.

Parental Consent in Data Privacy Bills

As states weigh how to protect students’ privacy, lawmakers sometimes debate whether to require parental consent before information about their children can be shared. These restrictions even apply to teenagers on the cusp of graduating high school. While parental *engagement* is critical to a student’s future, it is important to acknowledge the barriers parental *consent* would create. Research on parental engagement has shown that parents are far less involved in high school than in earlier grades. Parental consent requirements in education settings have been shown to reduce student participation, particularly by students most at risk of lower educational outcomes.

A Closer Look at Privacy Legislation in New Jersey

New Jersey is one state that has struggled to strike a balance between protecting students’ access to higher education and their privacy.

The state legislature recently passed a data privacy bill that initially included a provision that could have created a barrier for students to participate in Search, but legislators were willing to change the language to protect students. During the negotiations, Governor Phil Murphy made it clear that students find Search valuable and should continue to have the ability to connect with institutions of higher education and scholarship organizations.

If legislation were passed that prevented New Jersey students from participating in Search, four-year college enrollment rates among New

“The College Board Student Search Service is an essential component of our outreach strategy and to meeting our enrollment goals. Importantly, College Board Search broadens our reach and capacity to inform an increasingly diverse prospective student base. Through the information received, we are enabled to educate students on the college search and admissions process, some of whom confront very real barriers to attaining a higher education, identify students who may need additional supports to complete their application and ultimately be successful at Rutgers, and help students discover the opportunities available at, and merits of, our institution.” –Courtney McAnuff, Vice Chancellor, Enrollment Management, Rutgers University–New Brunswick

Jersey's high school graduates would be projected to decrease by 4 percentage points. Similar impacts would be expected in many states.

Such a decline translates into 4,880 fewer high school graduates each year attending four-year colleges in New Jersey. Of these students, 53% are from groups underrepresented at many colleges (racial minorities, rural, and first generation) who need the most support from college access programs. Fewer enrollees in four-year colleges means fewer bachelor's degree holders in New Jersey and fewer individuals earning a "college degree premium" over their lifetime, which translates into \$1.95 billion in lost lifetime earnings every year without Search.

The Benefits of Search for Students, Colleges, and Scholarship Organizations

The college admissions landscape continues to evolve and adapt to new policies and practices (<https://www.nacacnet.org/advocacy--ethics/NACAC-Code-of-Ethics/>). As a result, direct outreach to students, particularly those less likely to pursue postsecondary opportunities, is becoming more important than ever.

The pandemic has made this direct outreach even more essential. This year, students have had fewer opportunities to visit colleges or interact with college representatives in person. Only 18% of juniors met with counselors or teachers in the second half of the year, compared to 41% last year. Opting in to Student Search Service gives them one more way to connect and learn more about colleges they're interested in. (Source: Hobsons/Naviance survey reported in [Inside Higher Ed](#).)

Search helps students discover colleges they may not have considered and connects them to scholarship opportunities. A voluntary and free program, students must affirmatively opt in to Search to begin a conversation with colleges and scholarship providers. Students can opt out of Search at any time. Students are given the opportunity to opt in to Search when they take the PSAT/NMSQT® or the PSAT™ 10, the SAT, and when they participate in college planning activities on the College Board BigFuture™ website.

Access to Search is highly restricted. All 1,900 organizations using Search are accredited colleges and universities, scholarship organizations, nonprofit programs that offer transferable college credits, or nonprofit organizations that partner with accredited colleges or universities. Many colleges rely on Search to achieve their goal of recruiting a diverse and dynamic student body. These organizations must adhere to strict guidelines. The data can only be used for educational purposes. It cannot be shared with third parties (except for relevant contractors, such as mail service providers). And it must be destroyed once the agreement expires.

"Student Search Service is an important part of the college awareness process. For many underrepresented populations in high school, the outreach of colleges and universities in recruiting and counseling them is their only vehicle to inspiration and access." –Ian Mortimer, Vice President for Enrollment Management, Rochester Institute of Technology

Once students agree to participate in Search, colleges may request to license student names by selecting from available criteria, including student-provided information such as expected high school graduation date, cumulative GPA, geography, test score ranges, and intended college major.

College Board never shares a student's actual test score, parental income levels, Social Security numbers, or

phone numbers. Search allows colleges to deliver targeted and relevant information to students on programs of interest, financial aid, and potential scholarship opportunities.

In addition to increasing the likelihood a student will attend college, Search expands their opportunity to earn scholarship funds. Scholarship organizations—including the American Indian Graduate Center, APIA Scholars, Boettcher Foundation, Children of Fallen Patriots, Cobell Scholarship, Coca-Cola Scholars Foundation, Daniels Fund, George Snow Scholarship Fund, Greenhouse Scholars, Hispanic Scholarship Fund, Horatio Alger Association, Jack Kent Cooke Foundation, Jackie Robinson Foundation, Marine Corps Scholarship Foundation, Ron Brown Scholar Program, TheDream.US, UNCF (United Negro College Fund), and the Washington State Opportunity Scholarship—partner with Student Search to help deserving students access scholarships they've earned, providing \$300 million in scholarship opportunities for students who opt in. In 2017, 30% of Jack Kent Cooke Foundation (JKCF) scholarship recipients were identified because they took the PSAT/NMSQT or PSAT 10 and opted in to Search.

What Higher Education Officials Can Do

Helping lawmakers understand the unintended consequences of legislation that could negatively impact students, and significantly undermine the mission of colleges and universities in their state, is vital.

Here is what you can do to help protect your students:

1. Stay informed about data privacy legislation, and understand its impact on higher education systems by connecting with your government relations staff or legal counsel.
2. Be aware of Search's current student privacy protections and its value to students and institutions.
3. Communicate with your institutional leaders and government relations representatives about the importance of college access programs like Student Search and the important role it plays in achieving your institutional mission.

The voices of higher education are powerful in any state. Numerous colleges responded to proposed legislation in New Jersey, New York, Illinois, and other states, alerting legislators to the consequences of the law that would restrict students' ability to access information on colleges and universities. In their letters to legislators, college officials in Illinois warned that the law would cause the state to "lose perhaps its most potent tool to help attain its goal of increasing the proportion of adults in Illinois with high-quality postsecondary degrees and credentials to 60% by 2025."

College Board will continue to provide updates and data to colleges regarding Search and any legislative proposals that could create barriers to current recruitment practices.

References

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