

February 8, 2022

Re: HB 22-2505

Honorable Members of the House Education Committee
Kansas State Capitol
SW 8th and SW Van Buren
Topeka, KS 66612

Dear Chairman Huebert and Members::

Thank you for the opportunity to provide testimony in support of HB 2505.

ACT has concluded that key provisions of the current statute impede ACT's ability to provide students with services intended to expand access to and knowledge of scholarships, financial aid opportunities, and educational and career opportunities. Moreover, it appears to impact ACT's ability to provide educators and policymakers with valuable research intended to provide insights to improve college and career readiness.

ACT interprets the current definition of "operator" as applying to ACT. ACT's issue with the current statute stems from the fact that registration for the ACT is now being offered online, and the test can also be administered online - which will eventually be the case for all ACT assessment solutions. HB 2505 would exempt "a national assessment provider that is administering a college and career readiness assessment" from this definition.

ACT interprets that the current statute has unintended consequences that may prohibit ACT from continuing its efforts in at least the following three areas.

1. Delivering ACT's Educational Opportunity Service (EOS)

The Educational Opportunity Service (EOS) provides students an opportunity to receive information about postsecondary education, scholarship and financial aid, and career opportunities. In order to link students with vetted providers of these opportunities, ACT discloses data, *with parent or student consent*, to accredited postsecondary institutions and scholarship services via its Educational Opportunity Service (EOS). If a student chooses to participate in EOS, the following information from the student's ACT test registration form becomes available to participating organizations that pay a small processing fee per student: name, address, gender, high school, email address, birthdate, expected year of high school graduation, racial/ethnic background (if voluntarily provided by the student), intended college major, and occupational preference. Through EOS, ACT has helped millions of students find higher education and financial aid opportunities that match their goals, many of which they would have been unaware without EOS.

In addition to exempting specific organization like ACT from the definition of "operator", HB 2505 changes the requirement that parents provide written permission for student to "opt-in" to participate in to EOS to one in which they provide written permission to "opt-out."



With this change, a parent can still prevent a student from participating if they find reason to do so, but it removes a potential barrier to all students who want to learn about such opportunities, especially those who are most likely to benefit - students that are low income and/or first generation college students who may be less likely to get written permission to participate. It is worth noting that the student still has to “check a box” in order to participate, after reading a description of the service. Therefore, parents can opt-out the student if they so desire, and the student still has to opt-in. It is also worth noting that students can opt-out of this service at any time. Participating organizations have all agreed to use this information only for the purpose of sharing information about their programs.

2. Retaining student data to conduct longitudinal research

Exempting “a national assessment provider that is administering a college and career readiness assessment” from the definition of “operator” also ensures that ACT is able to engage in meaningful longitudinal research. For more than 60 years, ACT has collected data via the ACT test about the academic readiness of high school graduates for college-level coursework in English, math, reading, and science. The science behind ACT’s assessments—the evidence base and ongoing research—relies on our ability to collect and analyze these data and is critical in answering the key question of what matters most in helping people to succeed in education and work.

In addition to developing student assessments, ACT’s mission also promotes education and workforce policy solutions at the national, state, and local levels. We provide policymakers with research-based insights—largely using reports based on aggregated student assessment data—to inform their policy decisions. For example, ACT has published a series of Catching Up to College and Career Readiness reports that aggregate de-identified student data to underscore the importance and explore the challenges of getting and keeping students on target for college and career readiness. Each year, ACT also publishes The Condition of College & Career Readiness for each state and the nation. These reports highlight the progress of each year’s ACT-tested graduating class relative to college readiness, again only publishing aggregated, de-identified student data.

The current statute provides that operators must delete a student’s covered information if the school or district requests deletion of data under the control of the school or district. While ACT research reports do not report covered information, ACT must use the covered data to conduct its analyses.

3. Conducting educational research separate from the direction of the state or district

For an entity that is defined as an “operator”, the current statute gives authority for the direction of educational research to the state or district. This approach assumes that only states and districts should generate research proposals and excludes the research expertise of organizations such as ACT. While the current statute provides that information may be used for “legitimate research purposes . . . as allowed by state or federal law”, it is limited to research conducted under the direction of a school or the state department. Exempting national college and career readiness assessment providers such as ACT from the definition of “operator” ensures ACT can perform research activities as long as only aggregated information is reported publicly.

ACT is honored to be a partner with Kansas to help inform students of their options after high school, to help ensure their readiness and to promote their successful transitions. Thank you again for the opportunity to provide testimony in support of HB 2505.

Respectfully,



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