



## REPLY TO T.L.P. EDUCATION: T.L.P. PROFESSES TRANSPARENCY AND ACCURACY BUT DEMONSTRATES NEITHER

Faith Boninger, Alex Molnar, and Christopher M. Saldaña  
University of Colorado Boulder

June 2020

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The response to our brief released by T.L.P. Education (a/k/a “Summit Learning”)<sup>1</sup> is at least consistent. Just as Summit has done throughout its history, it has turned to rhetoric and sleight of hand, evading challenges rather than directly presenting facts to support its claims. In this case, T.L.P. claims that its response demonstrates “unequivocally false claims”<sup>2</sup> in our brief, but the response never even addresses the core concerns we raised in the brief. Below, we examine each of T.L.P.’s points, regarding student privacy, the lack of independent research evidence on the educational effectiveness of Summit Learning, and the relationship between Summit Public Schools and T.L.P. Education.

### Student Privacy

In *Big Claims, Little Evidence, Lots of Money: The Reality Behind the Summit Learning Program and the Push to Adopt Digital Personalized Learning Platforms*, we noted that Summit partner school contracts set limits on the use of personally identifiable “student data” only, and not on the use of what the contracts refer to as “de-identified data.”<sup>3</sup> As the brief acknowledges, the 2018 partner school contracts we examined do, indeed, contain protections for “student data.”<sup>4</sup> However, “de-identified” data are simply student data that have had direct and indirect student identifiers removed.<sup>5</sup> We noted in our brief that such de-identified data are easily re-identified.<sup>6</sup> Moreover, if partner schools ask T.L.P. to destroy “student data,” the contracts provide for T.L.P. to do so by de-identifying those data – not actually by destroying them.<sup>7</sup> Not only do the contracts allow T.L.P. to use the de-identified student data, in perpetuity, for any lawful purpose,<sup>8</sup> but the Chan Zuckerberg Initiative, as T.L.P.’s long-term technology partner,<sup>9</sup> also has access those data to use for its purposes and access to the technological expertise to re-identify those student data. In other words, Summit Learning students’ data is at risk.

In our Public Records Request to Summit Public Schools (SPS), we asked for records explaining the security measures undertaken to protect de-identified data and to ensure that those data could not be re-identified.<sup>10</sup> Summit Public Schools has not provided the requested records. T.L.P. has not responded to our concerns in its response to our brief. Instead, the response simply proclaims T.L.P.'s transparency and compliance with industry self-regulation and with federal regulation that is widely acknowledged to be insufficient.<sup>11</sup> The Student Privacy Pledge, Family Educational Rights and Privacy Act (FERPA), and the Children's Online Privacy Protection Act (COPPA) do not protect de-identified student data.

Until such time as Summit Public Schools and/or T.L.P. publicly provides dispositive evidence to the contrary, we stand by accuracy of the facts we have presented and by our conclusions.

## **Lack of Independent Research Evidence on the Educational Effectiveness of Summit Learning**

Our brief stated that “While Summit has offered positive anecdotes and some selected data, there is no solid evidence that ‘partner’ schools are experiencing the promised success.”<sup>12</sup>

In its response, T.L.P. offered exactly that: positive anecdotes and some selected data.

It is easy to cherry pick information and provide anecdotes as Summit does. We could, for example, select data from the very same University of Michigan evaluation<sup>13</sup> that was cited by Summit as evidence of its success in its response to our research brief. Here is a quote from that evaluation: “[Dexter Community Schools] students’ PSAT scores were higher than median national scores, regardless of their participation in Summit” (p. 42). We could point out that Dexter students participating in the Summit program had lower median scores on the PSAT than Dexter students that did not participate in the Summit program (p. 42). We could pull out the quote of a parent of a student participating in the Summit program: “Sometimes it’s more about passing the test than it is about learning” (p. 38). We could also note that the majority of students in the program surveyed did not answer in the affirmative when asked several key questions: if they enjoyed learning through Summit Learning; if they were building strong relationships with teachers and other students; if Summit met their needs as learners; or if Summit pushed them to do their best (pp. 23-24). What we are illustrating here is that the evaluation of students’ performance in the Dexter Community Schools in no way presents the picture of resounding success of Summit Learning implied by the cherry-picked finding T.L.P. cited in its response to us. Nor does the University of Michigan evaluation provide evidence of the overall efficacy of the Summit Learning Program. It was not designed to do so.

We could also point to a 2019 Johns Hopkins review of Providence schools that found Summit Learning left students to teach themselves with minimal guidance from teachers and aides.<sup>14</sup> They described Summit Learning students engaged in extensive off-task behavior and progressing slowly and ineffectively through their assigned work.<sup>15</sup>

Summit Public Schools declined to allow its program (now marketed by T.L.P.) to be the

subject of a rigorous research study.<sup>16</sup> What Summit Public Schools did and what T.L.P. continues to do is promote the Summit Learning Program with anecdotes and selected information from a smattering of evaluations. These are in no way a substitute for solid independent research evidence of the efficacy of the program. If there is such evidence and we have missed it, we encourage Summit Public Schools and/or T.L.P. to release it for public examination.

Until such time as Summit Public Schools and/or T.L.P. publicly provides dispositive evidence to the contrary, we stand by accuracy of the facts we have presented and by our conclusions.

## **Relationship between Summit Public Schools and T.L.P. Education**

In its recently published response to our research brief, T.L.P. claimed that it “is an entirely separate organization and should not be conflated with Summit Public Schools. T.L.P. Education was launched on June 1, 2019 to operate the Summit Learning program, including its platform. As such, Summit Learning is not under the operation of Summit Public Schools.” As we explain in our brief, it is indeed true that T.L.P. is an independent non-profit organization. However, the organizations share a close history and lineage and, in fact, still are interlocked in important ways. Summit Public Schools created the Summit Learning Program and the Summit Learning Platform, and it created T.L.P.<sup>17</sup> Until the 2019-2020 school year, all partner schools contracted with Summit Public Schools. Summit Public Schools created T.L.P. to administer its Summit Learning Program. Diane Tavenner, CEO of Summit Public Schools, sits on the three-person board of T.L.P., along with Priscilla Chan (co-founder and co-CEO of Summit Public Schools’ long-time major funder, the Chan Zuckerberg Initiative) and Alex Hernandez (Dean of the School of Continuing and Professional Studies at the University of Virginia). In other words, Summit Public Schools’ CEO and the Chan Zuckerberg Initiative’s co-CEO effectively control the T.L.P. board.

We made every effort to learn from T.L.P. about its current administration of the Summit Learning Program.<sup>18</sup> We wrote to [info@summitlearning.org](mailto:info@summitlearning.org), the address provided by T.L.P. on the Summit Learning website, and asked to speak to someone about the Summit Learning Program on October 18, October 23, November 4, November 16, November 22, December 5, December 11, December 30, January 9, January 24, January 31, and February 7. We also wrote to the land address indicated on the Summit Learning website (which is also the address of the law office that represents Summit Public Schools) on January 27, 2020 and February 14, 2020. We received no reply to any of our inquiries. We requested to interview someone at Summit Public Schools and were declined.

Because Summit Public Schools is subject to the California Public Records Act (whereas T.L.P. is shielded from such public transparency), and because Summit Public Schools created the Summit Learning Program, launched it (as “Summit Basecamp”) in 2015, and recruited “partner schools” to it through the 2018-2019 school year, we submitted a Public Records Act request to Summit Public Schools in order to obtain answers to our questions.<sup>19</sup>

Not only has Summit Public Schools not provided any of the records we requested, but its lawyer argued that it does not have to answer any questions about the Summit Learning Platform or the Summit Learning Program that are not explicitly related to the operation of Summit Public Schools' eleven schools. If this is true, it would mean that no organization is legally responsible for providing the public with answers to the very significant questions about the reliability and validity of Summit Learning's assessment protocol and about the privacy and security of student data—including de-identified student data. For these reasons, it is hard to escape the conclusion that T.L.P. was created by Summit Public Schools at least in part for the express purpose of avoiding public scrutiny.

Until such time as Summit Public Schools and/or T.L.P. publicly provides dispositive evidence to the contrary, we stand by accuracy of the facts we have presented and by our conclusions.

We have at every point in our contact with Summit Public Schools expressed our interest in hearing what Summit has to say in response to our questions. Had T.L.P. responded to our requests to talk with their representative we would have made that clear to T.L.P. as well.

T.L.P.'s response to our brief headlines its "commitment to transparency and accuracy." Unfortunately, we have yet to see it demonstrate either.

## Notes and References

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- 1 Summit Learning (2020, June 25). Our commitment to transparency and accuracy [blog post]. Retrieved June 27, 2020, from <https://blog.summitlearning.org/2020/06/our-commitment-to-transparency-and-accuracy/>
- 2 Summit Learning (2020, June 25). This NEPC brief contains unequivocally false claims. This is a disservice to the thousands of teachers, at hundreds of schools, who go above-and-beyond for their students. Here is the clear, factual information on #SummitLearning [tweet]. Retrieved June 27, 2020, from <https://twitter.com/SummitSpark/status/1276311545119510528>
- 3 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (p. 17). Boulder, CO: National Education Policy Center. Retrieved June 27, 2020 from <http://nepc.colorado.edu/publication/summit-2020>
- 4 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (p. 18). Boulder, CO: National Education Policy Center. Retrieved June 27, 2020 from <http://nepc.colorado.edu/publication/summit-2020>
- 5 Summit Learning Program Agreement, Summit Public Schools and Fairview Park City School District, May 1, 2018 (Data Privacy Addendum, Definitions).  
  
Summit Learning Program Agreement, Summit Public Schools and Wellington Unified School District 353, March 30, 2018 (Data Privacy Addendum, Definitions).
- 6 Narayanan, A. & Shmatikov, V. (2008). Robust de-anonymization of large sparse datasets. *SP '08 Proceedings of the 2008 IEEE Symposium on Security and Privacy*, pp. 111-125. Retrieved December 20, 2015, from [https://www.cs.utexas.edu/~shmat/shmat\\_oako8netflix.pdf](https://www.cs.utexas.edu/~shmat/shmat_oako8netflix.pdf)  
  
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Sweeney, L. (2000). Simple demographics often identify people uniquely (Data Privacy Working Paper 3). Pittsburgh, PA: Carnegie Mellon University. Retrieved June 27, 2020, from <http://ggs685.pbworks.com/w/file/attach/94376315/Latanya.pdf>  
  
We consulted with Frauke Kreuter, Professor in the Joint Program in Survey Methodology at the University of Maryland; Professor of Statistics and Methodology at the University of Mannheim and head of the Statistical Methods Research Department at the Institute for Employment Research in Nürnberg, Germany. She explained that, “de-identification is an outdated concept in the modern data world” because “it’s not enough to talk about removal of PII [personally identifiable information] without having a clear idea of the data being in a safe place with safe people and a safe project” (because of the ease with which data can be re-identified by combining datasets). Contracts with Summit Public Schools (and now T.L.P. Education) allow de-identified data to be used, in perpetuity, “for any lawful purpose,” with no requirement to establish these features that would make the data environment safe from possible re-identification.  
  
Kreuter, F. (2019, September 4). Personal communication (telephone) with Faith Boninger.  
  
For discussion of the “5 Safes” approach to protecting the privacy of data, see:  
  
Stokes, P. (2017, January 27). The ‘five safes’ – Data privacy at ONS [blog post]. *National Statistical*. Retrieved June 10, 2020, from <https://blog.ons.gov.uk/2017/01/27/the-five-safes-data-privacy-at-ons/>
- 7 According to clause 4.6 of the Data Privacy Addendum, one way Summit Public Schools may “dispose” of

student data is to de-identify them. Further, “the duty to dispose of Student Data shall not extend to data that has been De-Identified.”

Summit Learning Program Agreement, Summit Public Schools and Fairview Park City School District, May 1, 2018 (Data Privacy Addendum, clause 4.6).

Summit Learning Program Agreement, Summit Public Schools and Wellington Unified School District 353, March 30, 2018 (Data Privacy Addendum, clause 4.6).

- 8 According to the Data Privacy Addendum to the Summit Learning Program Agreement, “De-Identified Data may be used for any lawful purpose including, but not limited to, operating and improving the Service.”

Summit Learning Program Agreement, Summit Public Schools and Fairview Park City School District, May 1, 2018 (Data Privacy Addendum, clause 4.5).

Summit Learning Program Agreement, Summit Public Schools and Wellington Unified School District 353, March 30, 2018 (Data Privacy Addendum, clause 4.5).

- 9 Summit Learning (n.d.). How do Summit Learning and the Chan Zuckerberg Initiative partner together? [webpage]. Retrieved February 26, 2020, from <https://help.summitlearning.org/hc/en-us/articles/360000818828>
- 10 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big Claims, little Evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix C). Boulder, CO: National Education Policy Center. Retrieved June 26, 2020, from <https://nepc.colorado.edu/publication/summit-2020>
- 11 For review of federal privacy legislation and attempts to strengthen it, see:
- Rotenberg, M. & Barnes, K. (2013, January 28). Amassing student data and dissipating privacy rights. *Educause Review Online*. Retrieved June 27, 2020, from <http://www.educause.edu/ero/article/amassing-student-data-and-dissipating-privacy-rights>
- Molnar, A. & Boninger, F. (2015). *On the block: Student data and privacy in the digital age—The seventeenth annual report on schoolhouse commercializing trends, 2013-2014* (pp. 8-11). Boulder, CO: National Education Policy Center. Retrieved June 27, 2020, from <http://nepc.colorado.edu/publication/schoolhouse-commercialism-2014>
- 12 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (p. 4). Boulder, CO: National Education Policy Center. Retrieved June 27, 2020 from <http://nepc.colorado.edu/publication/summit-2020>
- 13 Moore, S.S., Lyons, J., DeMonbrun, M., Guardiola, J., & Bigelow, V.J. (n.d.). *Evaluation report: Summit Learning Program Dexter Community Schools*. Ann Arbor, MI: The Center for Education Design, Evaluation, and Research. Retrieved June 27, 2020, from [https://www.dexterschools.org/uploaded/board\\_of\\_education/meeting\\_packets/Jan-Feb-Mar\\_2019/Summit\\_Learning\\_Final\\_Report\\_FINAL.pdf](https://www.dexterschools.org/uploaded/board_of_education/meeting_packets/Jan-Feb-Mar_2019/Summit_Learning_Final_Report_FINAL.pdf)
- 14 Johns Hopkins University School of Education Institute for Education Policy (2019, June). *Providence public school district: A review* (pp. 31-32). Retrieved June 4, 2020, from <https://edpolicy.education.jhu.edu/wp-content/uploads/2019/11/PPSD-REVISED-FINAL.pdf>
- 15 Johns Hopkins University School of Education Institute for Education Policy (2019, June). *Providence public school district: A review* (pp. 31-32). Retrieved June 4, 2020, from <https://edpolicy.education.jhu.edu/wp-content/uploads/2019/11/PPSD-REVISED-FINAL.pdf>
- 16 Barnum, M. (2019, January 17). Summit Learning declined to be studied, then cited collaboration with Harvard researchers anyway. *Chalkbeat*. Retrieved June 3, 2020, from <https://www.chalkbeat.org/posts/>

us/2019/01/17/summit-learning-research-harvard/

- 17 Summit Public Schools (2019, September 3). *Excellence is equity: Summit Public Schools end-of-year summary 2018–19* (p. 39). Retrieved December 20, 2019, from <https://drive.google.com/file/d/1M5oisCLwRLeRdtHxpl7yT3v6j5yf96aD/view>
- 18 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix C). Boulder, CO: National Education Policy Center. Retrieved June 26, 2020, from <https://nepc.colorado.edu/publication/summit-2020>
- 19 Boninger, F., Molnar, A., & Saldaña, C. (2020). *Big claims, little evidence, lots of money: The reality behind the Summit Learning Program and the push to adopt digital personalized learning platforms* (Appendix C). Boulder, CO: National Education Policy Center. Retrieved June 26, 2020, from <https://nepc.colorado.edu/publication/summit-2020>