



AMERICAN INSTITUTES FOR RESEARCH®

**TO:** DR. MARTELL MENLOVE, UTAH STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
**FROM:** JON COHEN, EXECUTIVE VICE PRESIDENT AND DIRECTOR OF ASSESSMENT, AIR  
**DATE:** 5/14/2013  
**CC:** JOHN JESSE, ASSESSMENT DIRECTOR, UTAH STATE OFFICE OF EDUCATION

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Dear Superintendent Menlove:

Thank you for passing on the concerns expressed by Dr. Gary Thompson and Mr. Edward Flint. American Institutes for Research (AIR) shares with them a strong concern for individual privacy.

As you know, AIR is under contract with the state of Utah to provide K-12 testing services. Under this contract, AIR is to work together with Utah educators to develop tests of the Utah Core Standards, and to administer those tests to students in the Utah school system.

Dr. Thompson and Mr. Flint express concern that the tests will seek to measure constructs beyond academic achievement, that research may be done using the Utah data, and that resulting data may be shared with the federal government. As you know, such activities are precluded in our contract. The contract does not ask us to gather personality, behavioral, or other non-academic data and, of course, we have no intention of attempting to gather such data. The tests, as well as all content developed for Utah, will be the property of the State of Utah. While AIR will gather and score the student responses to the tests, that student and response data will remain the property of the State of Utah.

Any research conducted using these data must be approved by the Utah State Office of Education. AIR is bound by contract and privacy laws to secure the data and prevent its release to anyone not authorized by the State of Utah to have the data. This prohibition on release of the data extends to the federal government.

While the data are under our care, they are securely protected physically, on all data networks, and by software. The steps we take to prevent unauthorized access to Utah data are described in our proposal, which has been publicly released.

We are pleased and proud to work with you, your educators, and Utah families to measure academic achievement in your state. We will remain responsible stewards of your data, and hope that citizens of your state will understand that and will come to view us as partners in protecting their privacy.

On a final note, Dr. Thompson expresses concern about the tests appropriately serving students with disabilities. AIR has a long history of serving students with disabilities, and we have invested in making our testing platform the most accessible possible. In addition, we always advise our clients to design tests that adhere to the principles of fair testing outlined by the Consortium for Citizens with Disabilities guidelines for adaptive testing, which can be found at

[http://www.c-c-d.org/task\\_forces/education/CCD\\_Computer\\_Adaptive\\_Testing\\_final.pdf](http://www.c-c-d.org/task_forces/education/CCD_Computer_Adaptive_Testing_final.pdf).

Sincerely,

Jon Cohen