How to Create a Data Privacy Policy

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Overview: How To Create An Effective Data Privacy Policy
  ◦ Amelia Vance, National Association of State Boards of Education

Nebraska Presentation
  ◦ Glen Flint, NE State Board of Education
  ◦ Scott Summers, NE Department of Education

West Virginia Presentation
  ◦ Dr. William White, WV Department of Education
Process

- Review Your Resources
- Identify and Seek Input from Stakeholders
Ask Questions: What Data Do We Want Collected... and Why?

- Always articulate why you want to collect education data
  - What questions do you want answered?
Fundamental Questions to Consider in Crafting Privacy Policies

- What do I want teachers to know?
- What do I want the district or state to know?
Fundamental Questions, cont.

- What information should never be in a child’s school record?
- What restrictions, if any, should be placed on how school record information is shared?
- When should a student record be deleted?
Foundational Elements of a State Data Privacy and Security Policy

1. Statement of the policy/law's purposes
2. Person(s) in charge
3. Plan for Transparency
4. Limits on vendor use of data
5. Statewide data security plan
6. Ongoing staff training

www.nasbe.org
Statement of Purpose

- Vision statement
- Talk about both the value of data and the importance of protecting that data
Select the Person(s) in Charge

- Who will answer people’s questions?
- Who creates policy and guidance?
- Who enforces the state’s laws?
Transparency Plan

- Explain the “who, what, where, why, and when” of data collection
- Make the data easy to find and understand
- In the absence of being transparent...
With Tech Taking Over in Schools, Worries Rise

Teachers use behavior management systems to dole out positive and negative feedback in real time. Each child’s status may be visible to the class. Behavior data can be used to create reports for administrators.

Data mining your children

Grooming Students for A Lifetime of Surveillance

Student Data Collection Is Out of Control

Basic student data is sent to state education departments. Some states also gather info on pregnancy, homelessness, and bullying. Some states also incorporate students into the data collection process.

Politico

Big Brother: Meet the Parents
It Can (and Should) Be Simple…
Limit Vendor Use of Data

- Limit data use for non-educational purposes
- Contract provisions for data use/storage
Statewide Data Security Plan

- Include answers to fundamental questions
- Address administrative, physical, and technical safeguards
Anyone who handles student data should be trained in:
- How to Use Data
- How to Protect Data

Training must occur on an ongoing basis
Nebraska

• 245 Public School Districts
• 1,012 Public Schools
• 305,000 public school students
• 28,500 Educators
• 93 Counties
• Elected State Board of Education
• Appointed Commissioner of Education
The State Board of Education believes that the opportunity to integrate the vision of the Legislature’s Education Committee and components of accountability, assessment, accreditation, career education, and data into a system of school improvement and support is imperative for the good of Nebraska students and critical for Nebraska to build a vibrant and economically successful future.

Accountability for a Quality Education System, Today and Tomorrow: A QuESTT for Nebraska!
AQuESTT

- A QuESTT aligns some regulatory requirements under the umbrella of quality, accountability, and school improvement.

- A QuESTT is the framework used to annually classify schools into one of four performance areas: Excellent, Great, Good, Needs Improvement.

- Best practices in schools of excellence will be highlighted and shared among schools, as will effective intervention strategies and plans.
The framework is designed around the following six tenets:

- Positive Partnerships, Relationships & Student Success
- College & Career Ready
- Transitions
- Assessment
- Educational Opportunities & Access
- Educator Effectiveness
Six Tenets

• Student Success and Access
  ▫ Positive Partnerships, Relationships, & Success
  ▫ Transitions
  ▫ Educational Opportunities & Access

• Teaching and Learning
  ▫ College and Career Ready
  ▫ Assessment
  ▫ Educator Effectiveness
AQuESTT

• Provides a broader framework for accountability
• Expands the focus beyond a test
• Increases the support for systemic changes and considerations
• Targets support for Continuous School Improvement
• Changes the types and uses of data
Data Policy Challenges

• Increased interest in data use
• Increased need to support data privacy
• Developing a policy that supports the balance of data use and protecting privacy of students
• Number of internal processes and need to share broadly and publicly
Steps in Process

• Leverage NASBE's data privacy resources
  ▶ Evaluate what is currently happening
  ▶ Establish guiding principles
  ▶ Determine existing initiatives and policies
• Establish draft policy
• Gather input
• Implement policy
A number of Internal Initiatives

- Internal Resources
- Administrative Memorandum (SOP guidance)
- Data Governance
- Data Access and Use
- Data Breach
- Internal training/ FERPA / data privacy
- Masking or Suppression rules
- State of the Schools Report
- Data Reporting System
- Vendor contract language and oversight
- Memorandum of Understanding
- SecureMail through the Help Desk
Emerging Guiding Principles

- Improve student achievement outcomes
- Inform policy
- Equip Educators
- Protect Privacy
Rule 6: Data Sharing
FERPA Context

• Family Educational Rights and Privacy Act
  ▫ Federal Law (effective 1974)
  ▫ Defines broadly student records
  ▫ Personally identifiable information
  ▫ Directory information

• Rights of Access
• Identifies specific exceptions
The State Board of Education shall adopt and promulgate rules and regulations providing for and requiring the uniform sharing of student data, records, and information among school districts, educational service units, learning communities, and the department.
Advisory Committee

- Representatives from:
  - School districts (Urban, Rural)
  - ESU’s (Regional Service Units)
  - Learning Community
  - Department of Education

- Convened Committee
  - Guiding Principles
  - Intent of Legislation
  - Drafted Rule
Guiding Principles

• Improvement of Education
• Protecting Student Privacy
• Commitment to Security of Data
• Follow FERPA rules
• Strike a balance (sharing only data needed)
• Support Data Standards
• Clear purpose for and the people using data
• Identify Can do’s as well as can’t do’s
• Support educational continuity
Main Consideration Pieces

• ONLY pertains to:
  Schools
  ESU’s
  Learning Community
  Department of Education

• Clarify expectations and reasons to share
• Clarify Directory Information
• Ensure process and security of data
Final Results

- After public hearings
- Approval by Board of Education
- Approval by Attorney General
- Approval by Governor
- Rule adopted and codified in October 2014
Next Steps

- Convene State Board led policy committee
- Validate guiding principles
- Complete State Board Policy
- Create implementation strategies
- Increase the support systems for schools around student privacy policy
Increasing Transparency

- Codify and publicly post policies and approaches
- Engage stakeholders (parents, etc.) in providing input and review of policies
- Post Data Definitions/ Dictionary
- Provide technical assistance to school districts
  - Vendor contract language templates
  - FERPA and other data privacy practices
  - Training, webinars, and videos to support understanding
Future Priorities

- Privacy and Security Policy
- Public transparency of data inventory
- Chief Privacy Officer
- Modified governance approach
- Training and guidance
Data Privacy in West Virginia
In the beginning…

• Data Governance: The systems and processes that govern the collection, maintenance, protection, storage, use, and privacy of data.

• February 2013: Data Governance Manager hired to implement a data governance structure at West Virginia Department of Education (WVDE).
WVDE Governance Structure

- DPG: Data Policy Committee
  - Determines the “Why”; informed of Issues/concerns

- DGC: Data Governance Committee
  - Determines the “Who, What, Where, When”

- DSTT: Data Steward Task Teams
  - Communicates concerns; Determines the “How”
Data Governance Structure

• **Data Policy Committee** members are composed of external agency members; they help vet and guide the work

• **Data Governance Committee** members are WVDE leaders and LEA representatives that make decisions about proposed issues

• **Data Stewards** are WVDE staff designated by their directors as representatives to bring issues and concerns forward
Data Governance Structure

- Ensures a single version of the truth through certified data collections and reporting
- Ensures adherence to requirements and best practices related to data
- Facilitates decision-making processes and issues related to data and data use
- Reduces barriers between divisions and offices
- Increases collaboration between divisions, offices, and agencies
Data Governance & ZoomWV

- Data Governance structure led to the development and launch of ZoomWV, WVDE’s new online reporting tool.
  - Public side
  - Privacy, secure side for educators and administrators
- Supports student achievement
- Ensures accuracy and quality
- Highlights importance of data privacy
ZoomWV Protects Privacy

• ZoomWV’s public site displays only group-level information
  – **NO** student-level information

• Dedicated server for public site containing only group-level information
  – **NO** student-level information

• Reports do not display information for small groups of students
Privacy in ZoomWV

- Additional Privacy Resources:
  - Maintaining Security
  - Network Security Design
  - Privacy Training
  - Annual Security Report
  - ZoomWV Data Source
  - New Data Elements
1. Aggregate ONLY
   a) NO Student Level Information

2. State, County, & School Level:
   a) School Designations
   b) Enrollment
   c) Graduation
   d) Attendance
   e) State Assessment Results
   f) Educator Information

3. State & County Level:
   a) Dropouts

Information in ZoomWV is presented for the total student population plus the following subgroups:
- Gender
- Race
- English Language Learner Status
- Socioeconomic Status
- Special Education Status
• For educators and administrators
• Coming in Spring 2015
• Reports live information from WV Education Information System
  – Updates occur every evening
• Requires WVDE authentication
• Requires role-specific authentication
  – Teachers can view information only pertaining to students they instruct
  – Principals view information only pertaining to students and staff at their school
  – Superintendents can view information only pertaining to their own district
• Information on private website is dependent on access level.
• Example information available for administrators:
  – Enrollment
  – Staff
  – Attendance
  – Discipline Incidents
  – Grades/Marks
  – AP Courses
  – Graduation Rate
  – Programs/Interventions
  – School Climate
  – Special Education
  – Assessments
Privacy Required Through Multiple Means in WV

- WV Board of Education Policy 4350: Procedures for the Collection, Maintenance, and Disclosure of Student Data
- The WVDE Data Access & Management Guidance Document
- Student DATA Act of 2014
WVDE is a 2015 Data Privacy Day Champion
“Respecting Privacy, Safeguarding Data and Enabling Trust”
http://staysafeonline.org/data-privacy-day/

WVDE was the only State Education Agency that committed publically to being a Data Privacy Day Champion.
Contact the Data Governance Team

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