

Transparency: Clearly a Good Idea

Georgia Department of Education Data Conference August 21-23, 2019

Ross Lemke

Privacy Technical Assistance Center

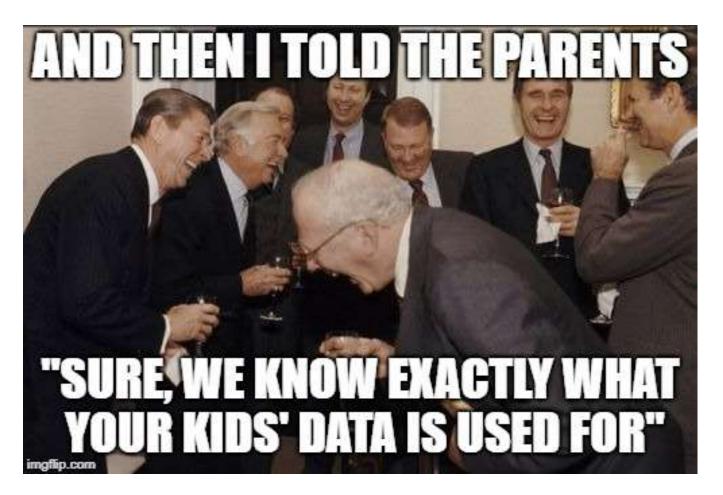
United States Department of Education Privacy Technical Assistance Center

A brief agenda

- Why should LEAs care so much about transparency?
- PTAC's transparency review project
- Initial results



Yeah, Don't be THAT District



Why is transparency important?

- Parents expect openness and transparency from schools and districts about their data practices.
- Transparency allows a parent to evaluate if the protection of their child's personal information meets their expectations.
- Schools and districts should take a proactive approach in communicating with parents.
- The Department considers transparency in privacy practices of utmost importance to school districts



Transparency – it's not just a good idea!

- FERPA requires certain information be provided to parents including:
 - Annual notification listing rights under FERPA including:
 - Right to inspect and review their education records.
 - Procedure for exercising that right.
 - Criteria for what constitutes a "School Official" and "Legitimate Educational Interest."
 - Directory Information Policy including
 - Types of information designated as directory information.
 - Opt out provisions.
- PPRA requires districts notify parents of their rights annually.

Best practice recommendations for improving transparency

Beyond federal privacy law, the Department recommends best practices for improving transparency.

These recommendations can be divided into three main categories:

- 1. What information to communicate to parents.
- 2. How to convey that information.
- 3. How to respond to parent inquiries about student data policies and practices.

Information to communicate to parents

- As a best practice parents should be provided with the following information about your school's or district's data and privacy practices:
 - What information are they collecting about students?
 - Why?
 - How is the information protected?
 - With whom is that information being shared?





What information are districts collecting about students?

• Best practice: know exactly what data you have.

REMEMBER: The first step in protecting sensitive information is knowing what information you have. If you cannot provide a good reason for why you are collecting a particular data element, you may want to reconsider collecting it.



Why are the districts collecting this information?

Best practice: know why you've got what you've got!

REMEMBER: The volume of information being collected by a district as part of its day to day operations can be daunting. Consider providing rationale for why the data is being collected, whether it is to provide essential school services, improve instruction or to comply with federal law.



How is the information protected?

- Best practice recommendations:
 - Have justification for district's IT security and data protection policies
 - Have policies governing the use of student data at the district level.
 - Explain your data retention policies.
 - If you publish aggregate data, explain the privacy protections to protect against disclosure of student's PII in small cells.

REMEMBER: It is important to regularly train your faculty and staff on these IT and data protection policies.



What information is shared with third parties and/or external researchers?

Sharing with third parties:

- Consider posting contracts online.
- Provide a list of apps that are approved for the classroom.

Sharing with researchers:

- Show parents the research findings.
- Identify any changes to curriculum, policies, or programs as a result.

REMEMBER: Let parents know the reasons you are sharing student data with a third party and explain the legal, contractual, and policy protections in place to safeguard the data.



Communicating with parents and the public

 When communicating with parents and the public about the school's or district's data practices, consider the following best practices to improve accessibility and clarity of the messages...



- Use your website as part of a multi-layered approach to communication.
 - Match the sophistication of the message to the medium.
 Post FERPA and PPRA notices on your website as a reference.







- Make your website user-friendly, searchable, and easy to navigate.
 - Consolidate information about data practices and privacy protections.
 - Clearly label the data practices/student privacy section and ensure that users can quickly navigate to it from the homepage with just one or two mouse clicks.
 - ✓ Add a "Search" tool to your website. And TEST it to make sure it works properly!



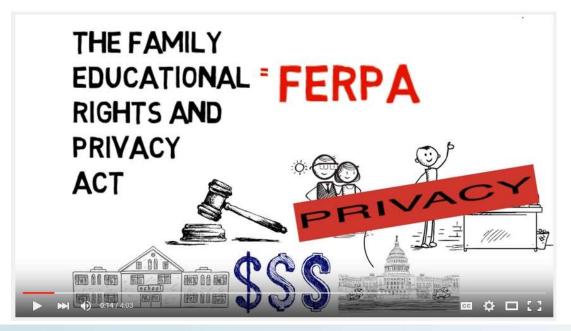
Be clear and consistent.

- ✓ Use plain language whenever possible.
- Provide examples to illustrate complex concepts or ideas.
- ✓ Include a glossary.
- Make sure that your website's data practices section is accessible to persons with disabilities.
- Translate information on your website into other languages commonly spoken in your community.
- Maintain consistency across communication mediums.





- Leverage existing resources.
 - ✓ Link to relevant resources outside your district.
 - ✓ Pool resources with other districts don't feel you need to invent everything yourself





- Have members of the community regularly review websites for useability, comprehension, and completeness.
 - Follow up with parents and students to ensure the site is userfriendly.
 - Solicit feedback from parents and students on recommended improvements to the website





Transparency (We are all among friends!!)

- Pretend you are a member of the public searching for information about data efforts in your agency.
 - Is it easy to find your website?
 - Is there information on what data is being collected and why?
 - Can you find the information on data collection easily?
 - Is there a "search" feature on the site?



Transparency of your website (Cont.)

- Can you locate information on data privacy and transparency policies?
- Is the information presented in a clear, concise and consistent manner?
- Is there a glossary of terms available?
- Does the information address who has access to the data and for what purposes?
- Contact information is there an email address and/or phone number if the public/parents want more information on these data systems or their rights?

Where do I start?

- **PTAC Guidance Videos**
- <u>Transparency Best Practices</u>



United States Department of Education, Privacy Technical Assistance Center



PTAC's website transparency review





ED Strategic Objective 3

Strengthen the quality, accessibility and use of education data through better management, increased privacy protections and **transparency**.

Strategic Objective 3.2

- Improve privacy protections for, and <u>transparency of</u>, education data both at the Department and in the education community.
 - Review a representative sample of Local Educational Agency websites for the transparency of their data practices and compliance with federal privacy laws when contracting with third party vendors.



Objectives

- ✓Inform ED/SPPO staff of the current state of privacy and transparency relating to data practices across the country.
 - \checkmark Better ED prioritization of guidance and TA.
- Provide concrete feedback to each LEA in the sample to help LEAs improve data privacy and transparency practices.
- ✓Yearly public reports that allow education agency officials to address privacy and transparency within their jurisdictions.
 - ✓ No LEAs will be identified in our public reports.



Sampling Plan

- 5-year study, with Year 1 as a planning year
- Annual snapshot of LEA <u>websites</u> for Year 2-Year 5
 - observations of LEA best practices in providing information on federal student privacy law
- Each year of the report will be nationally representative
- Final trend analysis will examine changes over the four years of the study

Sampling plan

- Utilized the NCES CCD universe for our sampling
- LEA Types 1, 2, 7 and 9
- LEAs currently actively open
- LEAs with students
- Exclude BIE schools
- Stratified random sample of LEAs
- Outcome descriptive analyses:
 - geographic location,
 - LEA level, and
 - LEA size
 - we *do not* expect to be able to make conclusions disaggregated at these levels in the annual reports.
 - we *do* expect to be able to do so in the *final report*, based on the full set of 1,504 LEAs.



Draft timeline

- September 2018 Survey finalized.
- September 2019 35% of website reviews completed, individualized reports sent to reviewed LEAs.
- September 2019 2022 Remaining LEA websites reviewed and individualized reports in corresponding years sent to LEAs which were reviewed.
- Late Fall 2022 Final report on review project completed.



- Look at LEA website from the perspective of a moderately informed parent
- Examine data only on the LEA website
 - Not school websites
 - Not "board docs" or school board policies



Rubric PTAC Website Privacy Inventory

| Required Notifications | | |
|--|-----|-----|
| Annual Notice | Y/N | URL |
| Does the LEA post its annual notice on the website? | | |
| Is the annual notice the ED Model? | | |
| Is the annual notice custom? | | |
| Does the custom notice include the right to inspect and | | |
| review their education records? | | |
| Does the custom notice include right to seek to amend | | |
| those records? | | |
| Does the custom notice include right to consent to | | |
| disclosure of PII from those records (unless an exception | | |
| applies)? | | |
| Does the custom notice include the right to file a | | |
| complaint with the Department regarding an alleged | | |
| FERPA violation? | | |
| Does the custom notice include the procedure for | | |
| exercising the right to inspect and review education | | |
| records? | | |
| Does the custom notice include the procedure for | | |
| requesting amendment of those records? | | |
| Does the custom notice include the district's criteria for | | |
| determining who constitutes a "school official"? | | |
| Does the custom notice include the district's criteria for | | |



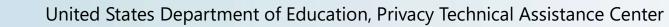
| Is the LEA DI policy a Limited DI policy (Limited DI includes the | |
|---|--|
| limited parties or purposes for which directory information may | |
| be disclosed) | |
| Does the LEA DI include Student ID? | |
| Does it specify that student ID, by itself, cannot be used | |
| to gain access to education records except when used in | |
| conjunction with one or more factors that authenticate | |
| the user's identity (e.g., password)? | |
| Does the LEA DI policy include photo/video likenesses? | |
| Does the LEA DI policy have a separate video/photo consent | |
| policy (e.g., for social media, newspaper, etc.)? | |
| Is the LEA DI policy appear as primary website content (e.g. the | |
| content is visible on the LEA main website, or from a drop down | |
| menu without going to a PDF or a separate external website)? | |
| Is the LEA DI policy found within the student handbook? | |
| Is the LEA DI policy within or as part of another document? (Note in comments.) | |
| Is there an indication when the LEA DI policy was last updated? | |
| Does the DI notice include disclosure to military recruiters? | |
| If not, is there a separate notice? | |
| Does the LEA provide a "menu" approach allowing parents to opt | |
| in/out of specific disclosures? (Note details in comments.) | |



| Best practices | | |
|--|-----|-----|
| Data inventory listing information collected by the LEA | Y/N | URL |
| from or about its students | | |
| Does the LEA website have a data inventory listing | | |
| information collected by the LEA from or about its | | |
| students | | |
| In the list, are data element usage defined? | | |
| In the list, are data elements clearly defined using | | |
| plain and simple language? | | |
| | | |
| Data security | Y/N | URL |
| Does the LEA website have a description of IT security and | | |
| data protection policies | | |
| Does the LEA website have a description of policy | | |
| or procedures specifically for paper records? | | |
| Does the LEA website have a description of policy | | |
| or procedures specifically for digital information | | |
| Does the LEA website have a description of policy or | | |
| procedures specifically access to student PII? | | |
| | | |
| Does the LEA website have a description of policy or | | |
| procedures specifically use of student PII? | | |



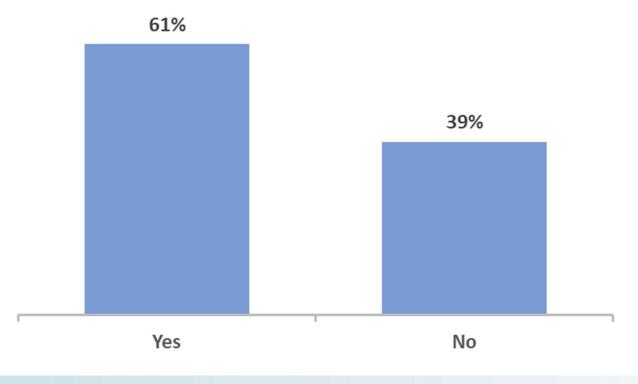
| Communications | Y/N | URL |
|--|-----|-----|
| Does the LEA website list contact information if parents | | |
| have questions/comments/suggestions about district data | | |
| sharing and student privacy policies? | | |
| Does the LEA website navigation menu include a section | | |
| indicating where to find data practices/student privacy information? | | |
| Is a search tool present on LEA website? | | |
| Search for "student privacy" leads to information | | |
| regarding the protection / privacy of education | | |
| records? (specify in comments) | | |
| Search for "directory information" leads to DI | | |
| policy? | | |
| Search for "FERPA" leads to privacy-related | | |
| information? | | |
| Search for "annual notification" leads to privacy- | | |
| related information? | | |
| Search for "technology" leads to privacy-related | | |
| information? | | |
| Search for "PPRA" leads to privacy-related | | |
| information? | | |
| Search for "applications" leads to privacy-related | | |
| information? | | |
| Search for "apps" leads to privacy-related | | |
| information? | | |







Does the LEA post its annual notification on the website?

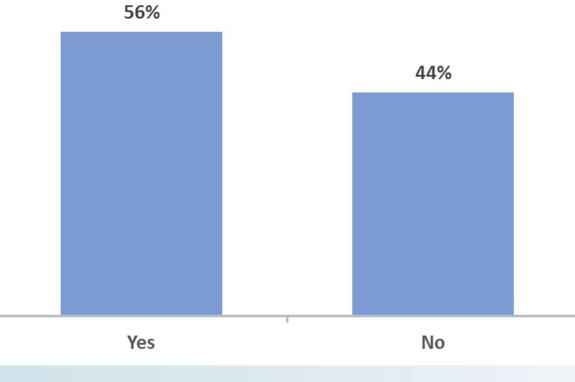


United States Department of Education, Privacy Technical Assistance Center





• Does the LEA post its directory information policy on the website?

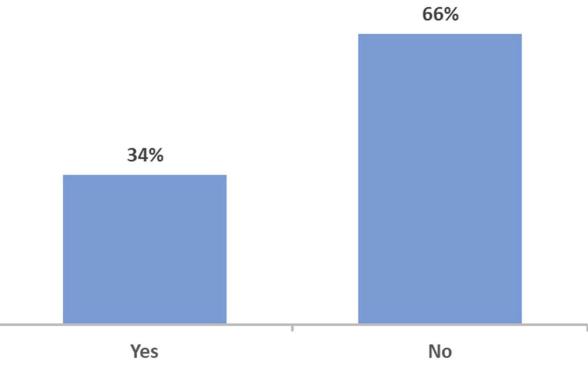




United States Department of Education, Privacy Technical Assistance Center



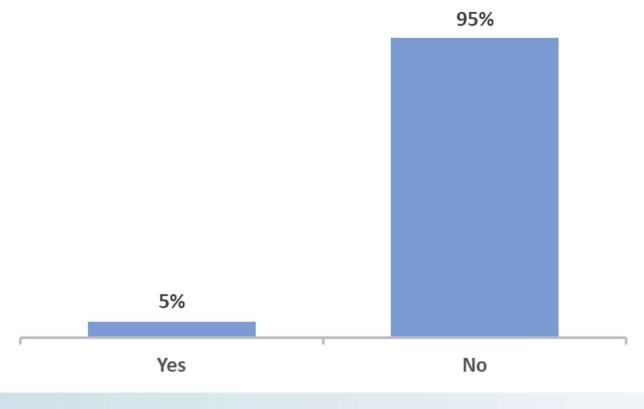
Does the LEA post its PPRA policy on the website?





Initial results

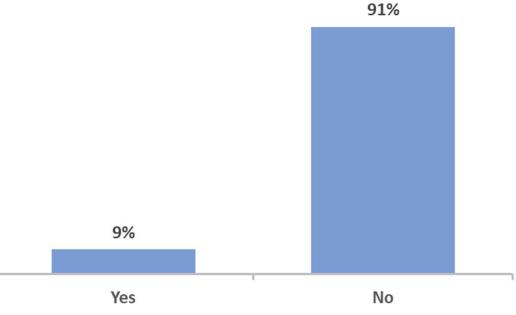
• Does the LEA post a data inventory on the website?





Initial results

 Does the LEA website list contact information if parents have questions/comments/suggestions about district data sharing and student privacy policies?

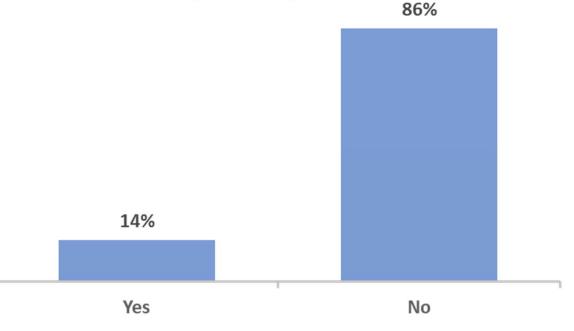




United States Department of Education, Privacy Technical Assistance Center



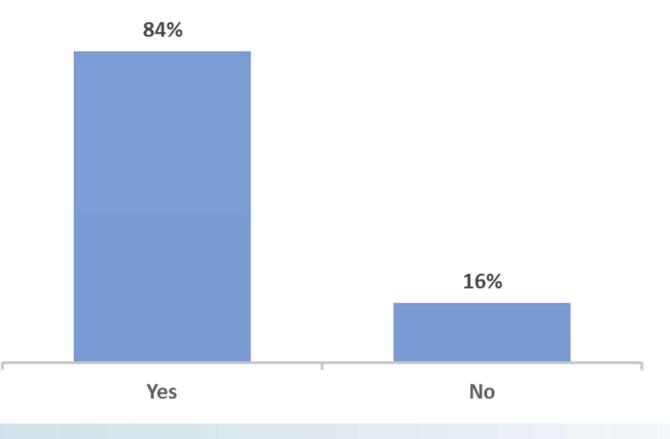
 Does the LEA website navigation menu include a section indicating where to find data practices/student privacy information?







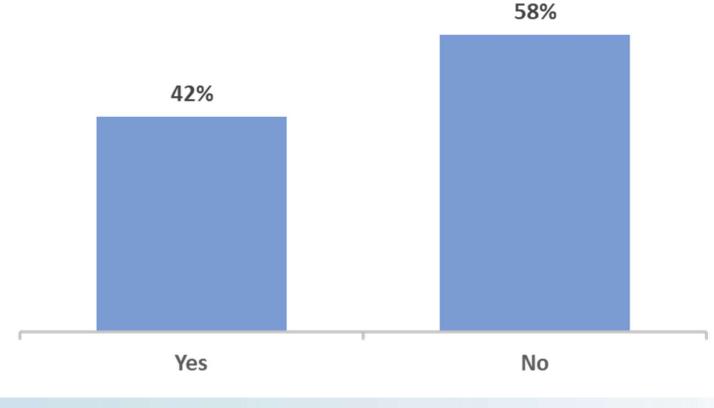
• Is a search tool present on LEA website?





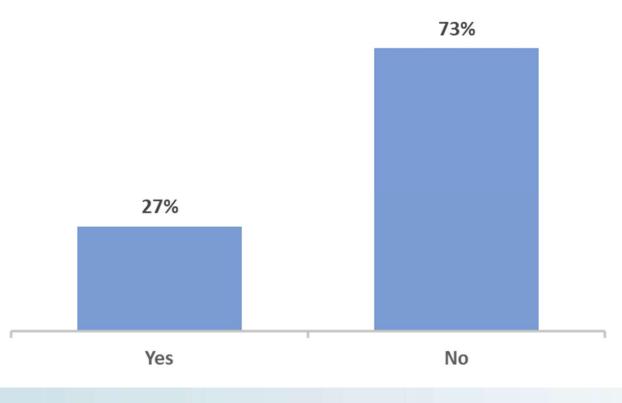


Search for "FERPA" leads to privacy-related information?





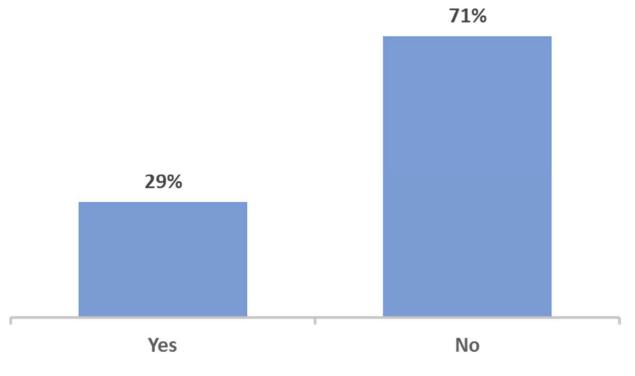
• Search for "annual notification" leads to privacy-related information?





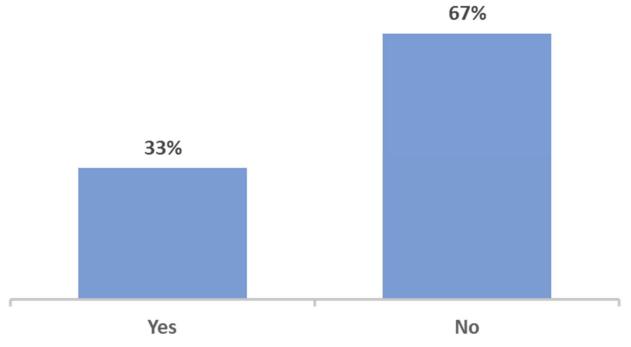


 Search for "directory information" leads to published policy?





• Are key privacy-related documents available in language translations?

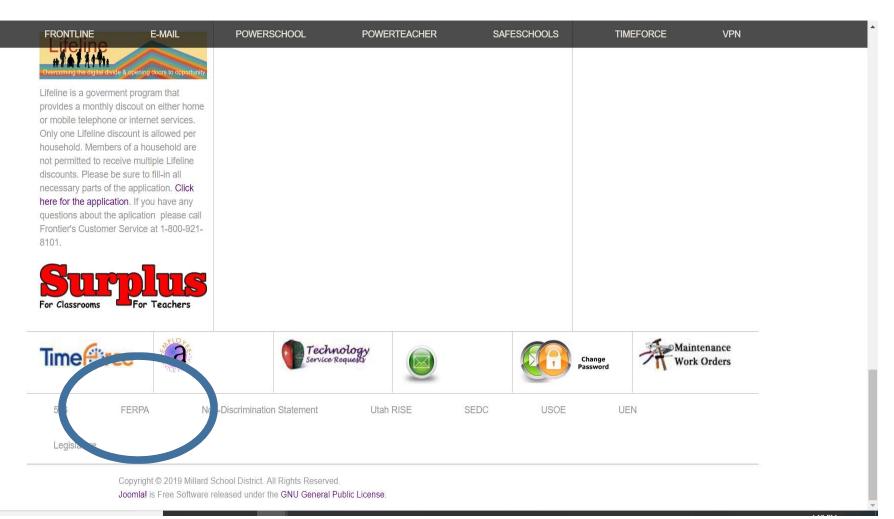


Early Take-Aways

- LEA websites are underutilized for transmitting student privacy information
- FERPA and privacy may not be at the top of districts' list of priorities
- Parents may not be aware of district contact information or where to go to ask questions about privacy

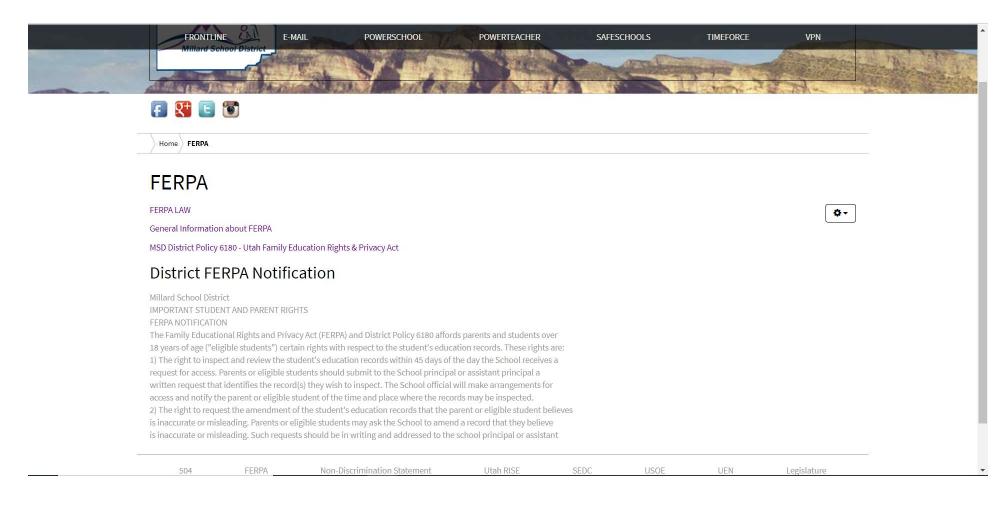


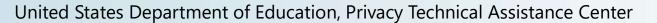
Millard, UT





Millard, UT







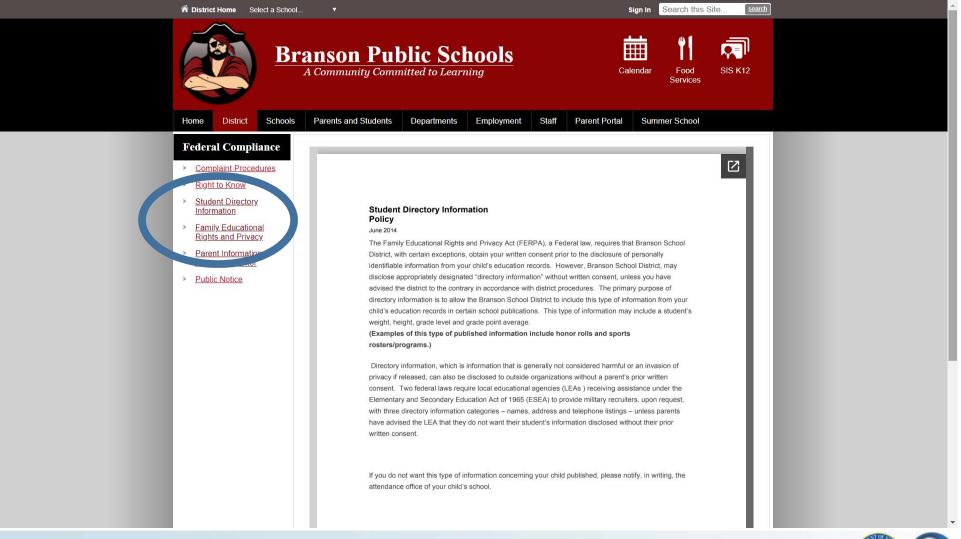
Patrick County, VA



https://www.patrick.k12.va.us/cms/One.aspx?portalld=16501&pageId=27332530



Branson, MO





Branson, **MO**

| District Home Select a School | · · · · · · · · · · · · · · · · · · · | Sign In Search this Site search | <u></u> |
|--|---|---|---------|
| | A Community Committed to Learning Parents and Students Departments Employment Staff | Calendar Food Services SIS K12 | |
| Federal Compliance • Complaint Procedures • Right to Know • Student Directory information • Family Educational Rights and Privacy • Bassource Center • Public Notice | Example Delivational Rights and Privacy Jure 2014 The Family Educational Rights and Privacy Act (FERPA) affords privacy (religible students') certain rights with respect to the students of school receives a request for access. Parents or eligible students', negative to the student's education for a sphool receives are equest for access. Parents or eligible student of the time and place where the records may be in inspect. The school official will make arrangements for access student of the time and place where the records may be in to a merid a record that they believe is inaccurate or misleading. Parents or to amend a record that they believe is inaccurate or misleading. Parents or to amend a record that they believe is inaccurate or misleading. Parents or to amend a record that they believe is inaccurate or misleading. The right to consent to disclosures of presently vident the consent to disclosures of presently vident the consent to disclosures of personally identifiable student. Additional information regarding the hearing reguested by the parent or eligible student, the school will the decision and advise them of their right to a hearing reguested by the parent or religible student, the school will the decision and advise them of the right to a hearing reguested by the parent or religible student, the school will the decision and advise them of the right to a hearing reguested by the parent or religible student, the school will the decision and advise them of their right to a hearing reguested by the parent or religible student, the school official will make a school official will be presented by the parent or eligible student, the school official student's education records, except to the extent that FER consent. One exception, which permits disclosures within the school official student's education records is advise them of the right to a hearing reguest for eview an education record in the school official student's education records in the school official studen | arents and students over 18 years of education records. These rights are: cords within 45 days of the day the tudents should submit to the school at identifies the record(s) they wish to coses and notify the parent or eligible spected. These rough states are to religible students may ask the school dring. They should write the school dring the record they want changed, and cides not to amend the record as notify the parent or eligible student of arding the request for procedures will be provided to the aring. I have the school contained in the PA authorized skickous without consent, is disclosure to school coil is a person employed by the ort staff member (including health or in serving on the school official in ate educational interest if the official in the professional responsibility. Judation concerning alleged failures The name and address of the office ffice; U.S. Department of Education; | |





49

- 💓 @jacksheard
- ĭ jsheard@gips.org
- 2 308-385-5900 Ext. 1127

Board of Education Ward C position now open; application form here

This week GIPS Board of Education member Roger Harms has announced he is resigning from the Board effective immediately. "Mr. Harms let us know on June 18 he is resigning from his Ward C position," said...

FIND OUT MORE >

JumpStart6 program bridges gap for incoming sixth grade students



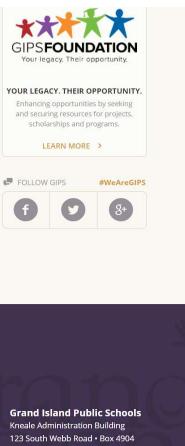
PROGRAMS

Middle school program runs July 30-Aug. 1; deadline to register is July 15 Grand Island Public Schools will offer a new program this summer for students going into sixth grade in the 2019-2020 school...

FOUNDATION

FIND OUT MORE >

ABOUT



et Talk! We Want Your Feedback. ▲

mination: The Grand Island Public Schools does not discriminate on the basis of race, color, religion, national origin, ethnicity, sex or gender, sexual Annual Notice of FERPA Rights | Notice of Nondis activities and provides equal access to the Boy Scouts. The following persons have been designated to handle inquires regarding the non-(voice), Fax (816) 420-3086, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov

ACTIVITIES

Grand Island, NE 68802-4904 308-385-5900

United States Department of Education, Privacy Technical Assistance Center

EMPLOYMENT



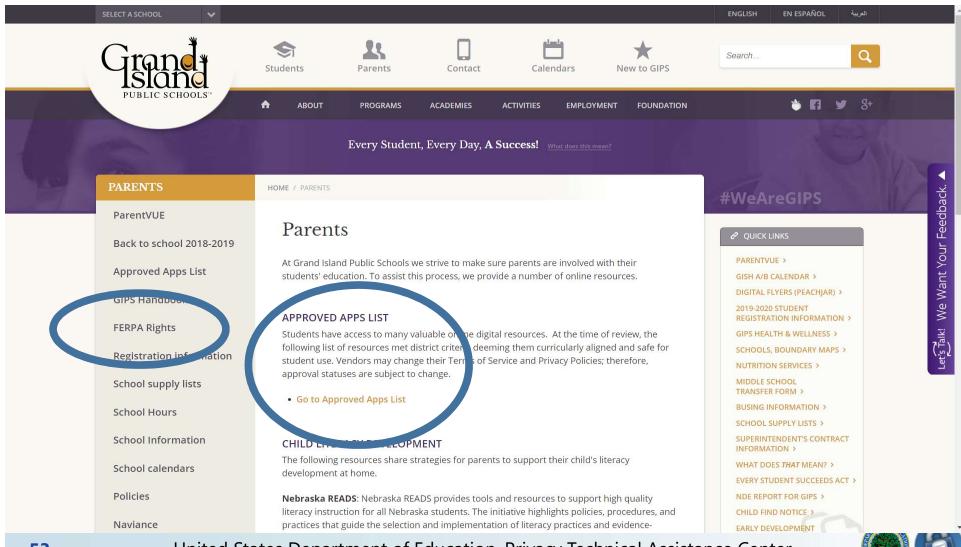
50

| | SELECT A SCHOOL | | ENGLISH EN ESPAÑOL العربية |
|--------|-----------------------------|---|--|
| | Grand | Students Parents Contact Calendars | Search Q |
| | PUBLIC SCHOOLS [™] | A ABOUT PROGRAMS ACADEMIES ACTIVITIES EMPLOYMENT FOUNDATION | 🍅 🖪 🎽 8+ |
| | | Every Student, Every Day, A Success! What does this mean? | |
| | PARENTS | HOME / PARENTS | #WeAreGIPS |
| -1 1 M | ParentVUE | Parents | eedba |
| | Back to school 2018-2019 | | |
| | Approved Apps List | At Grand Island Public Schools we strive to make sure parents are involved with their students' education. To assist this process, we provide a number of online resources. | GISH A/B CALENDAR > |
| | FERPA Rights | APPROVED APPS LIST | #WeAreGIPS Yourck Links PARENTVUE > GISH A/B CALENDAR > DIGITAL FLYERS (PEACHJAR) > DIGITAL FLYERS (PEACHJAR) > 2019-2020 STUDENT REGISTRATION INFORMATION > GIPS HEALTH & WELLNESS > SCHOOLS, BOUNDARY MAPS > NUTRITION SERVICES > |
| | Registration information | Students have access to many valuable online digital resources. At the time of review, the following list of resources met district criteria deeming them curricularly aligned and safe for student use. Vendors may change their Terms of Service and Privacy Policies; therefore, | GIPS HEALTH & WELLNESS > SCHOOLS, BOUNDARY MAPS > NUTRITION SERVICES > 일 |
| | School supply lists | approval statuses are subject to change. Go to Approved Apps List | MIDDLE SCHOOL TRANSFER FORM > |
| | School Hours | | BUSING INFORMATION > SCHOOL SUPPLY LISTS > |
| | School Information | CHILD LITERACY DEVELOPMENT | SUPERINTENDENT'S CONTRACT INFORMATION > |
| | School calendars | The following resources share strategies for parents to support their child's literacy development at home. | WHAT DOES THAT MEAN? > EVERY STUDENT SUCCEEDS ACT > |
| | Policies | Nebraska READS: Nebraska READS provides tools and resources to support high quality | NDE REPORT FOR GIPS > |
| | Naviance | literacy instruction for all Nebraska students. The initiative highlights policies, procedures, and practices that guide the selection and implementation of literacy practices and evidence- | CHILD FIND NOTICE > EARLY DEVELOPMENT |

United States Department of Education, Privacy Technical Assistance Center

51

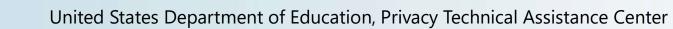
| | ABOUT PROGRAMS ACADEMIES ACTIVITIES EMPLOYMENT FOUNDATION | ՝ 🖬 🖌 |
|--------------------------------------|---|--|
| 100 | Every Student, Every Day, A Success! What does this mean? | |
| ABOUT GIPS | HOME / ABOUT GIPS / POLICIES / ANNUAL NOTICE OF FERPA RIGHTS | #WeAreGIPS |
| About | | |
| Annual Survey | Annual Notice of FERPA Rights | |
| • | GRAND ISLAND PUBLIC SCHOOLS | PARENTVUE > |
| Superintendent: Dr. Tawana Grover | | GISH A/B CALENDAR > |
| Charle Dian | 2018-19 Annual Notification of FERPA Rights | DIGITAL FLYERS (PEACHJAR) > 2019-2020 STUDENT |
| Strategic Plan | Grand Island Public Schools (GIPS) recognizes the importance of maintaining student records and preserving confidentiality. Confidentiality of personally identifiable information in | REGISTRATION INFORMATION > |
| Rise, Grand Island! | educational records shall be maintained in accordance with the Family Educational Rights and | GIPS HEALTH & WELLNESS > |
| Mission and Goals | Privacy Act ("FERPA")(20 U.S.C. § 1232g; 34 CFR Part 99), state law, and district policies. FERPA is a Federal law that protects the privacy of student education records. | SCHOOLS, BOUNDARY MAPS > NUTRITION SERVICES > |
| | | MIDDLE SCHOOL |
| Construction update | FERPA gives parents and legal guardians certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 | TRANSFER FORM > BUSING INFORMATION > |
| Schools | or attends a school beyond the high school level. Students to whom the rights have | SCHOOL SUPPLY LISTS > |
| Board of Education | transferred are "eligible students." | SUPERINTENDENT'S CONTRACT INFORMATION > |
| board of Education | RIGHT TO INSPECT AND REVIEW. Parents, legal guardians or eligible students have the right to inspect and review the student's education records maintained by the school within 45 | WHAT DOES THAT MEAN? > |
| Policies – | days after the day that GIPS receives a written request for access to the records they wish to | EVERY STUDENT SUCCEEDS ACT |
| Notice of Nondiscrimination | inspect. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools | NDE REPORT FOR GIPS > CHILD FIND NOTICE > |
| Annual Notice of FERPA Rights | may charge a reasonable fee for copies. A GIPS school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may | EARLY DEVELOPMENT NETWORK > |
| 1000: Philos <mark>o</mark> phy | be inspected. | |



United States Department of Education, Privacy Technical Assistance Center

53

| | Every Student, Every Day, A Success! What does this mean? | |
|--|---|--|
| PARENTS | HOME / PARENTS / APPROVED DIGITAL RESOURCES | #WeAreGIPS |
| ParentVUE Back to school 2018-2019 | Approved Digital Resources Students have access to many valuable online digital resources. At the time of review, the | QUICK LINKS PARENTVUE > |
| Approved Apps List GIPS Handbook | following list of resources met district criteria deeming them curricularly aligned and safe for student use. Vendors may change their Terms of Service and Privacy Policies; therefore, approval statuses are subject to change. | GISH A/B CALENDAR > DIGITAL FLYERS (PEACHJAR) > 2019-2020 STUDENT |
| FERPA Rights Registration information | AACORN AAC Symbol-based AAC (augmentative and alternative communication) assistive technology iPad app. Use is determined by Speech Language Pathologist. | GIPS HEALTH & WELLNESS > SCHOOLS, BOUNDARY MAPS > |
| School supply lists | Subject: Speech Go to AACORN AAC | NUTRITION SERVICES > MIDDLE SCHOOL TRANSFER FORM > BUSING INFORMATION > |
| School Hours School Information | • Privacy Policy ABC MAGIC PHONICS ABC Spelling Magic (by Preschool University) | SCHOOL SUPPLY LISTS > SUPERINTENDENT'S CONTRACT INFORMATION > |
| School calendars Policies | Practice letter sound identification.Subject: English Language Arts Grade: PK-6 | WHAT DOES <i>THAT</i> MEAN? > EVERY STUDENT SUCCEEDS ACT > NDE REPORT FOR GIPS > |
| Naviance | Go to Preschool University Privacy Policy | CHILD FIND NOTICE > EARLY DEVELOPMENT NETWORK > |
| Curriculum Wellness | Access College Early (ACE) Scholarship Program Scholarship Program pays tuition and mandatory fees for qualified, low-income high school students to enroll in college courses from Nebraska colleges or universities, either through | L C |
| Attendance | dual-enrollment or early enrollment agreements with these institutions.Subject: College & Career Planning Grade: 9-12 | beachjar flyers |
| Snow day information | Go to ACE Terms of Service Privacy Policy | |





More to come...

- Watch for the first report this fall, summarizing Year 1 sample results
- Sampled LEAs should receive individual reports late summer 2019



Questions or comments?



CONTACT INFORMATION

United States Department of Education, Privacy Technical Assistance Center



(855) 249-3072 (202) 260-3887



privacyTA@ed.gov



https://studentprivacy.ed.gov



(855) 249-3073

