Transcript: Transparency of Education Data Systems

Slide 1:

Baron Rodriguez: Good afternoon. Welcome to our webinar entitled "Transparency Best Practices for Schools and Districts." My name is Baron Rodriguez, and I am the director of the Privacy Technical Assistance Center, or PTAC. Joining me in this presentation is Michael Hawes, Statistical Privacy Advisor for the U.S. Department of Education, and Shane Morrissey, Student Privacy Analyst at the U.S. Department of Education. We thank you for taking the time to attend our webinar and hope that you find it useful.

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Baron: Let's begin with covering the logistics for the day. Due to the large number of participants, we will be muting the phone lines. This allows attendees and presenters to have more positive learning environment, for you to hold music, coughs, and conversation that those on the webinar don't necessarily want to be part of. All kidding aside, we want this to be an interactive webinar, so we have inserted polls throughout the webinar and strongly encourage you to enter questions in the q&a box in the lower corner of your webinar screen. A recording of this webinar will be made available on the PTAC website within a few weeks, at https://studentprivacy.ed.gov. All legal citations are available within the new guidance document.

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Baron: As stated earlier please type in your questions in the q&a box in the lower right-hand corner at the webinar window, and we will answer as many as we can at the end of the webinar. If we don't get to them, you can email us at our contact information, privacyTA@ ED.gov.
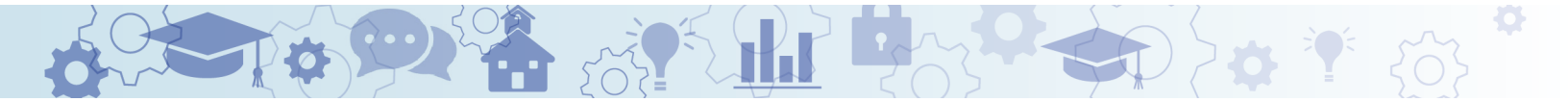
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Baron: Poll: Who is in the audience?

- K 12 administration
- K 12 faculty
- Postsecondary administration or faculty
- Education technology industry
- Other

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Baron: While our primary audience is schools and local educational institutions, much of this can apply to state education agencies or coordinating boards of higher education.

With that let me hand it over to Michael Hawes, who will be going over what will be covering today.

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Michael: Thank you Baron. In today's webinar, we're going to cover the basics about ensuring effective communication with the parents and students in your community. Will start with a brief discussion about the changing role of data in schools, and how our data practices are changing as we increasingly rely on contractors, vendors, and service providers to assist with the educational process.

As many of you know, Federal law requires that schools and districts provide certain information to parents and students. We will briefly discuss those notification requirements. The bigger focus of this presentation will be on our recommendations for what additional information schools and districts should communicate to parents and students in order to promote transparency and openness about their data practices. As Baron mentioned, I want to note that although this presentation is primarily intended for schools and districts on the K-12 level, many of the recommendations and best practices we advocate in the guidance documents and in this webinar are equally relevant for state education agencies and for postsecondary institutions. To that end, we will discuss a recent case we received related to transparency at the state level, and discuss these best practices in that context. Lastly, we will open the floor to some of your questions, and provide links to resources available on our website if you want additional information about this topic, or other privacy or security issues.
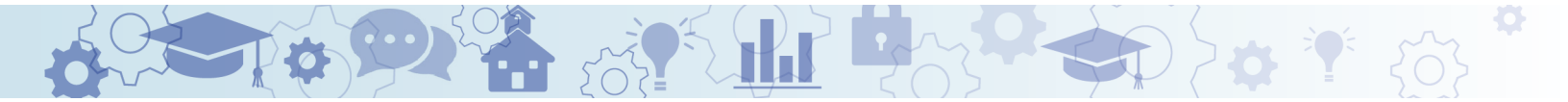
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Michael Data play important role in our education system. Schools and districts across the country need to collect a variety of data as part of the educational process, including biographic and demographic information about the students, like name and address; performance information like test scores, grades received; medical or health information like allergies or disability status; disciplinary information, and more.

These data play a critical role in our educational system. They enable teachers to identify students' strengths and weaknesses, and to personalize the learning process to students' unique needs. They also enable school administrators to evaluate program effectiveness, allocate scarce resources to those programs with the highest impact, and to predict and plan for future staffing and facilities requirements.

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Michael school administrators and faculty aren't the only ones who access student data, however. Schools and districts often have legitimate educational reasons to authorize third parties to access these data. Sometimes they outsource school services, such as transportation and food service, sometimes they rely on external expert to help improve the effectiveness of educational programs. Often it is for reasons as simple and as necessary as outsourcing their IT services and data storage requirements to contractors who can provide a more secure and more cost-effective IT environment than the district could provide for themselves.

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Michael: Whatever the reasons for sharing data with third parties, or for collecting it in the first place, schools and districts have an obligation to be open and transparent with their data practices. Parents expect that schools will protect their children's privacy, and they expect schools to provide them with the information they need to evaluate if those expectations are being met.

Many states have open records laws that compel districts to provide information about their data practices upon request. We recommend that schools and districts take a more proactive approach, and be transparent about that information without waiting for a concerned parent to raise the issue first.

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Michael: What do we mean by transparency? Well we believe it is important that schools and districts inform parents and students about what types of student data they collect, why they are collecting that information, how those data are being used, and with whom those data are being shared.

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Michael: Before we delve into explaining these recommendations in more detail, let's take a quick step back. This webinar, and guidance document we are discussing, focus on recommended best practices to promote transparency. There are, however, some requirements under federal law for what information schools and districts must provide to parents and students on a regular basis. Let's take a quick look at those requirements before we move on to our recommendations.

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Baron: Let's talk a little bit about how FERPA applies to this guidance. FERPA, or the Family Educational Rights and Privacy Act, gives parents the right to access and ability to seek to amend their children's education records. Further it protects PII, or personally identifiable information, from unauthorized disclosure. Generally, there is a requirement for written consent before sharing of PII, unless an exception applies. Let's talk about some of those exceptions.

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Baron: The directory information exception and allow schools the ability to release certain information without consent. Examples include name, address, email address, date and place of birth, photographs, height and weight of athletes, and degrees and awards received.

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Baron: Even though consent isn't required, schools are required to notify parents of what information is going to be disclosed as directory information, and provide parents the opportunity to opt out of the sharing of directory information. This can have a limitation on a time period within which a parent or eligible students provides notification of their desire to opt out.

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Barron: The Protection of Pupil Rights Amendment, or PPRA, applies to elementary schools and generally applies to surveys of student behavioral activities. Use of personal information collected from students for marketing purposes and the administration of certain surveys requires parental notice.

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Baron: The PPRA has the following general requirements:

1. A school or district to develop and adopt policies in consultation with parents, with limited exceptions.
2. Provide parents of notice of these policies and the rights under the PPRA at least annually.
3. Notice has to be given within a reasonable period of time after any substantive change is made to those policies.

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Baron: Poll: How well do you feel your district or school communicates with parents about FERPA and PPRA requirements?

- Both myself and all parents are FERPA/PPRA scholars
- I think we do a decent job
- We are pretty limited in our communication with parents about these issues
- What's FERPA?

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Baron: It's important to remember that meeting compliance is the minimum necessary under federal law, and the Department strongly encourages the use of best practices regarding transparency around data systems. The guidance document covers three primary categories:
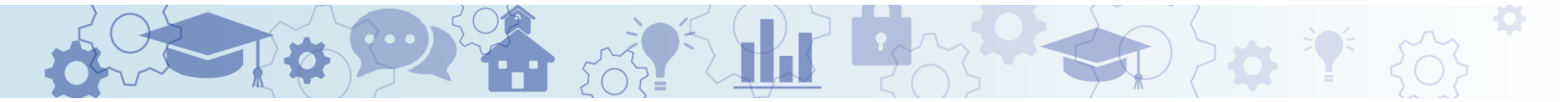
1. What information to communicate to parents
2. How to convey that information and
3. How to respond to parent inquiries about student data policies and practices.

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Baron: Let's start with what information should be communicated and provided to parents around your district's data and privacy practices

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Baron: First, you should be clear about what information you are collecting about your students. For instance, you should consider a self-assessment, or inventory, of what data you are collecting. You may

be surprised at what data is being collected in your organization. This is a great starting place. Once you have this information, determine the need for the collection of this information, and publish the data inventory listing that information. It should be noted that it is considered a best practice to provide this information at the data element level, such as date of birth or student's last name.

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Baron: Next, you should explain why are you collect this information. For instance, is the data being collected so teachers can improve their classroom practices? Or is the information required by state or federal data collection requirements? Again, you may determine that there is some data being collected that either shouldn't be collected, or is not needed.

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Baron: Third, you should communicate with parents that you have security and data protection policies that will protect the sensitive information. This would include data retention policies, that is, getting rid of data when it is no longer required to be kept or is no longer needed. In addition, institutions should consider what privacy protections they have in place to protect against disclosure of small cells in public data release. Ultimately, you should also train your staff on an annual basis, and let parents know that this is part of your data privacy strategy.

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Baron: Some recent headlines have been around the concern of sharing of student data with third parties and or marketers. It is very important that if you do share information with contractors or third parties, that you consider posting these contracts online. With each of those contracts, you may also want to explain why you share that data. For instance, if you're working with a vendor that provides student information services, you may want to articulate that. Also consider providing a list of online educational services, or "apps," that are approved for use in the classroom. Remember that free apps may have a cost associated with them, and those costs could be paid in the form of providing personally identifiable data to the company providing the "free" app. The cost to you maybe your students' privacy.

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Baron: Research is a critical part of improving educational outcomes. That said, more often than not, those results are rarely shared with parents. Consider that if you are sharing data with researchers, under an appropriate FERPA bit exception, share those findings with parents and the public. In addition, it would be useful for parents and the public to know about changes to curriculum, policies, or programs as a result of the research findings.

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Baron: It may be appropriate to have an all open forum or town hall meeting regarding risky online behavior to help secure student information in the classroom or at home. Be honest about the risks and suggest ways to mitigate potential risks such as not sharing student logins, and/or the use of free applications on school and home owned equipment.

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Baron: Finally, do your parents know who to contact if they have questions about your data practices? Is that information displayed prominently on your website? It's also important that you make parents and students part of the process. Consider asking for feedback and comments on your policies.

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Shane Morrissey: When communicating with parents about data practices, how you communicate that information can be just as important as just as what information is actually conveyed.

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Shane: Your website can be an incredibly helpful tool to provide information. It is important to remember not just to post Information, but also to make certain parents know where to locate that information, and what information is available. Electronic copies of your required FERPA and PPRA notices should be posted. The amount of detail that is given should vary according to the context. For example, when speaking to a parent in person, it shouldn't be necessary to recite the FERPA notice, but rather show the parent where it can be located

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Shane when determining if your website is user-friendly, it can be a good idea to go to the site yourself and see how many clicks it takes to find all the relevant relevant data practice and privacy information. The less clicks the better. If you currently don't have one, it might be a good idea to speak to your IT professional or webmaster about adding a search tool to your website.

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Shane: Sometimes language related to data practices and privacy can be a little confusing, so it's important to be as clear as possible. It's a good idea to use plain language whenever possible, provide examples to illustrate complex concepts or ideas, include a glossary, make sure that your websites data practices section is accessible to persons with disabilities, translate information on your website into other languages commonly spoken in your community, and maintain consistency across communication mediums.

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Shane: While the information on your website may make sense to you, not everyone will be as familiar with this information as you are. Reach out to members of the community and get their opinion. Do they think this site is easy to navigate? What improvements could be made to your website to make it better?

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Barron: Poll: Parents' familiarity with data practices?

A. They know more than I do
B. We do a good job letting them know what's going them on
C. We could do better
D. I'm pretty sure they all still use dial up

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Michael: If done right, a good strategy about your communications practices will reduce the number of parental inquiries you get. That said, no matter how well you have designed your website or tried to implement the recommendations we have discussed, you'll probably still get some parents or students contacting you for additional information. When you receive inquiries about data privacy, we recommend that you handle them in a respectful, responsive and meaningful fashion.

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Michael: For starters, be sure to keep the lines of communication open. Have contact information available on your website for the person or persons within your organization responsible for responding to parent inquiries about data. Also, they say a picture is worth 1,000 words, and in the data context seeing the data and how is used, stored, and protected can go a long way toward answering parents' questions and responding to their concerns. When possible, have a mechanism in place for parents to see the systems that hold their child's data.
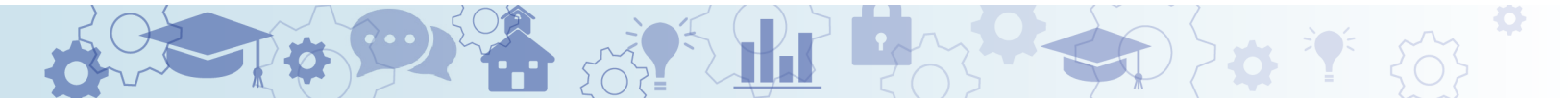
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Michael: When questions do you come in, be sure to review parent's questions and concerns in a thoughtful and careful manner. Even the most reserved parent can get, shall we say, passionate when dealing with issues relating to the well-being of their kids. When you get these concerned parents, don't dismiss their concerns or suggestions without sufficient consideration. Be sure you acknowledge their concerns, and make every effort to ensure that you properly understand their particular questions, suggestions or situation. Above all respond in a respectful and meaningful fashion.

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Michael: At times, you may get questions that, for one reason or another, you cannot answer immediately. In these cases, be sure to keep the apparent informed of your expected time frame for responding to their questions. If you need more time to answer a question, be sure to keep the parents informed about any delays, and when they can expect an answer.

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Michael: Lastly, it's important to review your communication strategy from time to time to make sure that you are still providing the most useful information in the most usable matter. If you're getting a lot of questions about a particular topic or issue, consider adding information about that topic to your website.

We've talked about some best practices and recommendations for improving the transparency of your data practices, with a particular focus on schools and districts at the kindergarten through 12th grade level. But as we said before, many of these principles are relevant for state education agencies and for postsecondary institutions as well. Baron, can you walk us through that state level case that we got recently?

Baron: Sure. Recently the family policy compliance office received a request involving a parent's request for student data from a State Educational Agency's longitudinal data system. The request was complicated in that the state had no means at its disposal to provide individual student data, as it was primarily for the purpose of providing deidentified and/or aggregated data for improving educational outcomes at the statewide program level. New ways would have had to be developed at significant cost in order to provide the parent with individual access to the data. The state answered back that way, however the parent was not satisfied with the response and went to the media.

FPCO responded that the State Department of Education could provide FERPA-required parental access by allowing the parent to view the data included in the state system that included their children's information, and providing aid the parent with a copy of the data dictionary, and if requested to do so provide a reasonable explanation of the student's data included in the state longitudinal data system to the parent. In this case, the state would not be required to create new software, but would need to provide explanation and interpretation of the student record.

So where did this fall apart? Well simply: communication. At the district level, and at the state level, the parent was frustrated about who had what data on their child. When the answer didn't come easily or without significant cost or delay, the parent became upset.

There are also some great examples of transparency at the state level. Colorado has a site dedicated to data information and policy. Virginia has a video about their data system and what it's used for. Several states, such as Georgia and Iowa, have created frequently asked questions about their data systems in an effort to improve transparency.

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Baron: Our guidance document is located on the PTAC website at https://studentprivacy.ed.gov. All references and citations are there, and we are always looking for feedback and comments to our guidance. Please feel free to email us from the PTAC website with your comments.