



Transparency Best Practices for Schools and Districts

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Webinar Logistics

- Phone lines will be muted
- Interactive polls
- The recording of this webinar will be made available on the PTAC website:
<https://studentprivacy.ed.gov>
- Citations are available within the new guidance document





Questions

- Please type your questions in the Q& A box in the lower right hand corner of the webinar window





Poll: Who is in the Audience?

Please indicate which sector you represent:

- A. K-12 Administration
- B. K-12 Faculty
- C. Post-Secondary Administration or Faculty
- D. Education Technology Industry
- E. Other (e.g., parent/student, non-profit org., etc.)



What We'll Cover Today

- Student data practices
- Federal requirements
- Best practices for transparency
- An example case from our Family Policy Compliance Office (FPCO)
- Additional resources



Best Practices for Transparency

- This guidance presents a number of best practices for schools' and districts' to use for communicating with parents about student data





Student Data

- Schools and districts across the country need to collect data about students. These data include:
 - Test Scores
 - Grades
 - Credits earned
 - Demographics
 - Enrollment
 - Discipline
 - Special education status



How is Data Used?

- Data are used to foster students' academic achievement by:
 - Identifying students' talents and special requirements
 - Monitoring their academic progress
 - Developing successful teaching and learning strategies
 - Developing educational tools for personalized learning





Third-Party Data Access

- School and districts often have legitimate educational reasons to authorize third-parties to access student data for purposes such as:
 - Communicating with parents
 - Improving the effectiveness of education programs
 - Identifying gaps in student services
 - Data storage



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



Communication by Schools and Districts

- It is important that schools and districts communicate:
 - What student information they collect
 - Why they collect it
 - How they use it
 - And to whom they disclose it





Best Practices & Federal Requirements

- The Department of Education provides guidance on what *should* be shared with parents (best practices)
- But first we will briefly describe what information *must* be provided to parents and students under federal law



Family Educational Rights and Privacy Act (FERPA)

- Gives parents (and eligible students) the right to access and seek to amend their children's education records
- Protects personally identifiable information (PII) from education records from unauthorized disclosure
- Requirement for written consent before sharing PII – unless an exception applies



Directory Information Exception

- Allows schools to release certain information without consent
- Examples include:
 - Name, address, telephone listing, email address
 - Date and place of birth
 - Photographs
 - Height and weight of athletes
 - Degrees & awards received





Directory Information Exception

- Consent is not required for disclosure, but notice is required
- If directory information is disclosed, notice must include:
 - The types of PII that have been designated as directory information
 - An explanation that parents or eligible students have the right to opt-out
 - A time period within which a parent or eligible student may provide notification that they wish to opt-out



Protection of Pupil Rights Amendment (PPRA)

- In many instances, schools or districts must also provide notice under the PPRA
 - Only applies to elementary and secondary schools
 - Addresses, among other matters, the use of personal information collected from students for marketing purposes, and the administration of certain surveys and evaluations to students



PPRA

- The PPRA requires (with limited exceptions) a school or district to develop and adopt policies in consultation with parents
- And to provide parents with notice of those policies and their rights under PPRA at least annually
- Notice must be given within a reasonable period of time after any substantive change is made to those policies



Poll: FERPA and PPRA Transparency

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

A. Both myself and all parents are FERPA/PPRA scholars

B. I think we do a decent job

C. We're pretty limited in our communication with parents about these issues

D. What's a FERPA?



Best Practice Recommendations for Improving Transparency

- Beyond FERPA and PPRA, 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; and
 3. How to respond to parent inquiries about student data policies and practices



Recommendations on What 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:





Recommendations on What to Communicate to Parents

- What information are you collecting about students?
 - Develop and publish a data inventory listing the information that you collect from or about your students
 - A best practice is to provide this information at the data element level

REMEMBER: The first step in protecting sensitive information is knowing what information you have



Recommendations on What to Communicate to Parents

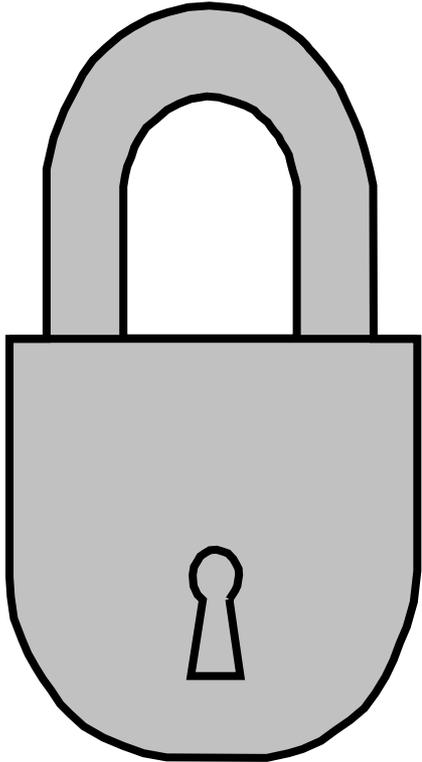
- Why are you collecting this information?
 - Explain why you collect student information
 - A best practice is to provide this information at the data element level

REMEMBER: If you cannot provide a good reason for why you are collecting a particular data element, you may want to reconsider collecting it



Recommendations on What to Communicate to Parents

- How is the information protected?
 - Security and data protection policies
 - Policies governing access and use of students' PII
 - Data retention policies
 - Privacy protections to protect against disclosure of PII in "small cells"



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



Recommendations on What to Communicate to Parents

- Do you share any personal information with third parties? If so, with whom, and for what purpose(s)?
 - Post provider contracts online
 - Provide a list of online educational services or “apps” that are approved for use in the classroom

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.



Recommendations on What to Communicate to Parents

- If you share student information with external researchers:
 - show parents the research findings, and
 - identify if you made any changes to curriculum, policies, or programs as a result



Recommendations on What to Communicate to Parents

- Do you talk to parents about safe online behaviors?
 - An open dialogue with parents about avoiding risky online behavior can go a long way to helping secure student information in the classroom and at home



Recommendations on What to Communicate to Parents

- Who should parents contact if they have questions about your data practices?



- Display contact information prominently on your website, so that it is clear whom parents can contact if they have questions, comments, or suggestions
- **REMEMBER:** Posting information on a website is not enough – ask for constructive feedback from parents and students to ensure that the policies and practices are truly transparent



Recommendations on How to Communicate about Data Practices

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



Recommendations on How to Communicate about Data Practices

- Use your website as part of a multi-layered approach to communication
 - Post electronic copies of your required FERPA and PPRA notices
 - Adjust the detail of the message according to the medium



Recommendations on How to Communicate about Data Practices

- 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





Recommendations on How to Communicate about Data Practices

- 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



Recommendations on How to Communicate about Data Practices

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



Poll: Parents' Familiarity with Data Practices

How familiar are parents with your school's/district's IT security and data practices?

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



Recommendations for Responding to Parent Inquiries

- Sometimes parents or students will contact you wanting additional information
- The Department of Education encourages schools and districts to handle parental and student inquiries about data privacy in a responsive and meaningful fashion
- The best practices include...



Recommendations for Responding to Parent Inquiries

- Keep the lines of communication open
 - Be available to answer questions
 - Provide parents and students with easy ways to reach staff for questions, concerns, or suggestions
 - Use online systems that grant parents access to their children's information





Recommendations for Responding to Parent Inquiries

- Review parental inquiries, concerns, and suggestions in a thoughtful and careful manner
 - Don't dismiss inquiries, concerns, or suggestions without sufficient consideration
 - Acknowledge parents' concerns about their child's well-being
 - Make the effort to properly understand the question, concern, or suggestion and relevant circumstances
 - Respond in a clear, respectful, and meaningful fashion



Recommendations for Responding to Parent Inquiries

- Respond to parental or student inquiries in a timely manner
 - Notify the parent or student about the expected turn-around time and explain the logistics of the response process
 - this information can be posted on the school's or district's website, communicated directly to the requestor, or both
 - If additional time is required to address the inquiry, follow up with the parent or student to keep him or her informed about the delay and the reason for it





Recommendations for Responding to Parent Inquiries

- Periodically review old inquiries and resolutions to evaluate your communication and transparency efforts
 - Evaluate your effectiveness by reviewing changes in the relevant measures
 - Some useful indicators include:
 - the number of privacy concerns,
 - response turn-around time,
 - and feedback from parents and students
 - Review and modify privacy policies and procedures



FPCO Example Case

- The Family Policy Compliance Office (FPCO) received a case involving a parent's request for student data from a SLDS
- The State Department of Education (SDE) had no means of displaying individual student data maintained in the State's SLDS in a readable format
 - New software would have to be developed in order for individual student data to be viewed



FPCO Example Case

- The Department of Education's response was that the SDE can fulfill parental access requirements under FERPA by:
 - Allowing the parent to view requested data included in the SLDS data fields on his/her child
 - Providing the parent with a copy of the SDE's data dictionary, and
 - If requested to do so, provide a reasonable explanation of the student's data included in the SLDS to the parent
- The SDE would not be required to create software, but would have to provide an explanation and interpretation of the student records



Read the Guidance Document

<https://studentprivacy.ed.gov/resources/transparency-best-practices>





Additional Resources

- For additional information on these topics and best practice recommendations please visit our websites
 - Family Policy Compliance Office (FPCO):
<https://studentprivacy.ed.gov>
 - Provides detailed guidance on legal requirements under FERPA and PPRA
 - Privacy Technical Assistance Center (PTAC):
<https://studentprivacy.ed.gov>
 - Provides guidance documents, trainings, checklists, frequently asked questions, and other resources relating to best practices for data privacy and security



How Did We Do?

- What did you learn?
- What issues still need clarification?
- What can we do better?
- Please type your questions in the chat box in the lower right corner of the webinar screen



Contact Information



Privacy Technical
Assistance Center

Family Policy Compliance Office

Telephone: (202) 260-3887

Email: privacyTA@ed.gov

FAX: (202) 260-9001

Website: <https://studentprivacy.ed.gov>

Privacy Technical Assistance Center

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