Assembly Education Committee
March 23, 2017

Wisconsin Department of Public Instruction
Testimony in Support of Assembly Bills 71 & 72
(Legislative Council Proposals)

Representative Thiesfeldt and members of the committee, thank you for engaging around the critical issue of pupil data privacy and safety. We appreciate your collaborative approach to safeguarding student data, and the Data Study Committee's willingness to engage in lengthy and technical testimony. DPI is well positioned to meet the requirements outlined in these proposals. We are supportive of these and would like to share a few comments.

Assembly Bill 71: Pupil Data Inventory

AB 71 addresses "what we know about kids," and requires the department to publish an inventory of pupil data elements collected across different program areas.

DPI's pupil data inventory can be found at http://dpi.wi.gov/wise/data-dpi. The inventory was developed based on feedback from the Legislative Council Study Committee. The department provided them with a data inventory for WISEdata and WISEid, and per the committee's request have expanded that inventory to include other programs areas:

- Career and Technical Education (CTE)
- Coursework Completion System (CWCS)
- Discipline Data - Non-Special Education; Safe and Drug Free Schools
- Discipline Data - Special Education
- Enrollment
- Growth Models
- Mathematics and Science Partnerships
- No Child Left Behind (NCLB) Consolidated Application Title I Data
- School Nutrition
- Special Education
- Title I - Homeless
- Title I - Migrant
- Title II - ESEA
- WISEdata & WISEid

Please note, DPI will keep the inventory up to date and continue to add program areas.

Assembly Bill 72: Privacy of Pupil Data

Compliance with Laws Governing Privacy of Pupil Data

This provision addresses guidance and compliance around data privacy. DPI's pupil data privacy information can be found at http://dpi.wi.gov/wise/data-privacy. This site includes:

- Guidance for schools
- Privacy information for parents and students
- Training for authorized users
- Information on data safeguarding (data redaction protocols, encryption, etc.)
- Additional resources (see appendix)
    - Data Quality Campaign
    - Education Privacy Information Center (EPIC)
    - Family Policy Compliance Office
    - Fordham Center on Law and Information Policy
    - Privacy Technical Assistance Center (PTAC)

Data Privacy & Security Plan

This section requires a plan addressing the technical security requirements (encrypting data at rest, login protocols, etc.) and model policy for districts. We work closely with DOA and are well position on this issue.

Stakeholder Engagement

This section requires stakeholder engagement, which we support and are actively engaged in currently. We work with other state agencies on data security, utility, and integrations. We engage with national experts and associations around education data and security. Moreover, we work closely with student information system vendors, hold annual conference for school staff, and participate in regional meetings (CESA, School Choice Wisconsin, etc.) each year.

DPI is well positioned to meet the requirements outlined in AB 71 & 72. Thank you for your consideration.

Resources for Student Data Privacy

Featured Resources

- **Privacy Contract Framework**
  - The Student Data Privacy Consortium launched its first project, the Privacy Contract Framework. The project will assist schools, districts, and state agencies develop common contracts for districts to use throughout the state.

- **Forum Guide to Education Data Privacy**
  - The National Forum on Education Statistics (Forum) organized the Education Data Privacy Working Group to explore how state and local education agencies (SEAs and LEAs) can support best practices at the school level to protect the confidentiality of student data in day-to-day instructional and administrative tasks. Many of the best practices applicable at the school level may also be helpful in protecting student data at the SEA and LEA levels. The Working Group created this guide in order to highlight common privacy issues related to the use of student data and present basic approaches to managing those issues.

- **Policymaking on Education Data Privacy: Lessons Learned**
  - Policymakers in almost every state have considered laws to ensure the safety of student data, and the U.S. Congress is considering seven bills on student data privacy. At the same time, the Every Student Succeeds Act (ESSA) requires that states adopt evidence-based interventions to improve school performance. The education research to inform these interventions depends on access to student data. Policymaking on Education Data Privacy: Lessons Learned, outlines key lessons policymakers should contemplate before taking action.

- **How do you Communicate the Data Message?**
  - Words matter. What you say, how you say it, and when you say it are critical to effectively communicating with your audience. DQC has crafted language and tools to help you better talk to peers, press, and the public about data and meeting education goals.

- **What is Student Data?**
  - There are many types of data that support student learning—and they're so much more than test scores. But individual data points don't give the full picture needed to support the incredibly important education goals of parents, students, educators, and policymakers. See the types of data that can come together—under requirements like privacy and security—to form a full picture of student learning. When used effectively, data empowers everyone.

- **Data Breach Response Training Kit**
  - Any organization with electronic records is vulnerable to security breaches, and education agencies are no exception. The PTAC Data Breach Scenario is one of a series of exercises intended to assist schools, districts, and other educational organizations with internal data security training.

- **Protecting Student Privacy While Using Online Educational Services: Model Terms of Service**
  - This document is a framework for evaluating online "Terms of Service" agreements. This document is designed to assist educators, schools, and districts in understanding how an online service or application may collect, use, and/or

transmit user information. The guidance will assist users in deciding whether or not to sign-up for specific services.

Parent Specific

- VIDEO: Student Privacy 101: FERPA for Parents and Students
  - o This short video highlights the key points of the Family Educational Rights and Privacy Act (FERPA). Geared towards Parents and Students.

- What Every Parent Should Be Asking about Education Data
  - o The Data Quality Campaign provides parents the questions they should be asking their children's educators about the value of education data and how student privacy is ensured.

Training

- DPI Training for Protection of Personally Identifiable Information (PII)
  - o Personally Identifiable Information (PII) Training course for District employees. Also available on the Data Privacy Training tab.

- DPI Overview to Student Data Privacy
  - o PowerPoint presentation on protecting Personally Identifiable Information (PII). You may view, download, and modify for your own use.

- Family Educational Privacy Rights Act (FERPA) Training from PTAC
  - o This video training session with questions can be taken by anyone (register as new user). It is an excellent training video that will familiarize school district and agency staff with the requirements of the Family Educational Privacy Rights Act. This is the primary law dealing with the protection and regulation of student records. Any employee involved in releasing or sharing student data should take this training.

- Sharing Information Across Systems
  - o Summarizes the circumstances allowed for in statute, other than informed consent or court order, under which schools and other systems (i.e. law enforcement, the courts and juvenile justice, social services, health) can share confidential information.
  - o This resource is designed to help local school districts and their community partners develop local policies, procedures, and agreements regarding how they will share information across systems.

- Student Records and Confidentiality
  - o A bulletin designed to help local school districts develop their own local policies regarding student records and confidentiality.

- Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting
  - o (NCES)

- Using the Wisconsin Web Access Management System (WAMS) As a Tool to Protect Student Privacy

Legislation & Policy

- [Complying with FERPA and Other Federal Privacy and Security Laws](#)
  - In addition to understanding and complying with FERPA, states also have the responsibility to understand and comply with state data privacy and security laws, as well as other federal privacy laws such as the Health Insurance Portability and Accountability Act (HIPAA) to the extent that data subject to those laws are incorporated in the state educational data system.

- [2009 Wisconsin Act 59: Data Sharing and Cooperative Interagency Research on Wisconsin Preschool through Postsecondary Education Programs](#)
- [Family Policy (FERPA and PPRA) Compliance Office](#)
- [FERPA (law)](#)
  - Cornell Law layout of US Code related to FERPA.

- [FERPA / IDEA Cross-Walk Guide](#)
  - Side-by-side comparison of the primary legal provisions and definitions in IDEA Part B, IDEA Part C and FERPA that relate to the requirement to protect the confidentiality of personally identifiable information of students and children served under the IDEA.

- [FERPA Family Educational Privacy Rights - Regulations](#)
  - Full text of the Family Educational Rights and Privacy Act (FERPA).
  - FERPA gives parents certain rights regarding their children's educational records.

- [Protection of Pupil Rights Amendment (PPRA)](#)
  - The Protection of Pupil Rights Amendment (PPRA) of 1978 is a law intended to protect the rights of pupils and the parents of pupils in programs funded by the United States Department of Education.

- [Wisconsin Cooperative research on education programs; statewide student data system. (Wis. Stat. § 115.297)](#)
  - WI law that authorizes the DPI, the University of Wisconsin System, the Technical College System, and the Wisconsin Association of Independent Colleges and Universities to study each other's education programs, requiring a written agreement concerning such studies, and requiring the establishment of a longitudinal data system of student data.

- [Wisconsin Policy Regarding Pupil Identification Numbers (Wis. Stat. § 118.169)](#)
  - Taken from the Wisconsin legislature, this statute highlights the ability of the school board/governing body to assign each pupil enrolled in their district or private school a unique identification number.

- [Wisconsin Pupil Records Law (Wis. Stat. § 118.125)](#)
  - Wisconsin law regarding the protection and privacy of student records.

General

- [Data Breach Response Checklist](#)
  - Establishing and implementing a clear data breach response plan outlining organizational policies and procedures for addressing a potential breach is an essential step in protecting the privacy of student data. This document provides educational agencies and institutions with a checklist of critical breach response components and steps to assist them in building a comprehensive data breach response capability.

- [DQC Home Page](#)
  - The Data Quality Campaign supports state policymakers and other key leaders to promote the effective use of data to improve student achievement.

- [DQC Roadmap to Safeguarding Student Data](#)
  - Highlights the three focus areas—transparency, governance, and data protection procedures—that will allow states to reach these goals and provides a robust list of other resources from DQC and other organizations related to safeguarding data.

- [Eligibility Manual for School Meals - Federal Policy for Determining and Verifying Eligibility](#)
  - Contains information on Federal requirements regarding the determination and verification of eligibility for free and reduced price meals in the National School Lunch Program and the School Breakfast Program. This also has information related to student privacy regarding eligibility for the Free and Reduced Lunch Program.

- [Frequently Asked Questions about the WSLS No-Release Indicator](#)
- [Free and Reduced Lunch (FRL) Memo](#)
  - Memo from DPI regarding FRL data availability through WISEdash, role available, and guidance for assigning the role.

- [Individual Student Enrollment System User Agreement](#)
- [Myth Busters: Getting the Facts Straight about Education Data](#)
  - The education data agenda is experiencing unprecedented backlash, including the propagation of data myths, especially regarding Common Core, FERPA, and vendors. This document dispels the most common myths with concise talking points and related resources.

- [Privacy Technical Assistance Center (](#)PTAC) Home Page
  - PTAC provides timely information and updated guidance on privacy, confidentiality, and security practices through training materials and opportunities to receive direct assistance with privacy, security, and confidentiality of longitudinal data systems.

- [Protecting Privacy in Connected Learning](#)
  - The Protecting Privacy in Connected Learning toolkit is an in-depth, step-by-step guide to navigating the Family Education Rights and Privacy Act (FERPA) and Children's Online Privacy Protection Act (COPPA) and related privacy issues.
  - The toolkit is organized in the form of a decision tree and addresses FERPA and COPPA compliance issues as well as smart suggested practices that reach beyond compliance; it also includes definitions, checklists, examples, and key questions to ask. [Download here!](#)

- [Protecting Student Privacy While Using Online Educational Services: Model Terms of Service](#)

- o This document is a framework for evaluating online "Terms of Service" agreements. This document is designed to assist educators, schools, and districts in understanding how an online service or application may collect, use, and/or transmit user information. The guidance will assist users in deciding whether or not to sign-up for specific services.

- [Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices](#)
  - o This document will address privacy and security considerations relating to computer software, mobile applications (apps), and web-based tools provided by a third-party to a school or district that students and/or their parents access via the Internet and use as part of a school activity.

- [Special Education - Pupil Records](#)
- [Student Data Overview FAQs](#)
  - o DPI Data Collections, Reporting, and Student Data Privacy Frequently Asked Questions

- [Student Data Principles](#)
  - o These are 10 Foundational Principles for Using and Safeguarding Student's Personal Information.

- [Temporary Student Data Access Authorization (External)](#)
  - o This is the student data access form for external individuals to fill out prior to viewing or interacting with student-level data in any capacity (temporary access for training, demos, etc.)

- [Transparency Best Practices for Schools and Districts](#)
  - o Intended to assist elementary and secondary schools and local educational agencies in achieving greater transparency with respect to their data practices.
  - o Informs schools and districts of the basics of legal compliance.
  - o Encourages educational organizations as to go beyond the minimum notifications required under federal law.

- [What is Student Data? (Infographic)](#)
  - o This graphic shows what comprises student data, providing examples for types of data, and identifying some of the requirements around student data.

- [What is Student Data? (Video)](#)
  - o There are many types of data that support student learning—and they're so much more than test scores. But individual data points don't give the full picture needed to support the incredibly important education goals of parents, students, educators, and policymakers. See the types of data that can come together—under requirements like privacy and security—to form a full picture of student learning. When used effectively, data empowers everyone.

- [Who Uses Student Data? (InfoGraphic)](#)
  - o This graphic shows how student data—from schools to the U.S. Department of Education—are and are not accessed and used.

- [Who Uses Student Data? (Video)](#)
  - o Watch how student data—from schools to the U.S. Department of Education—are and are not accessed and used.

- [Why are data for some student groups not publicly reported?](#)