



Student Data Privacy What is Required

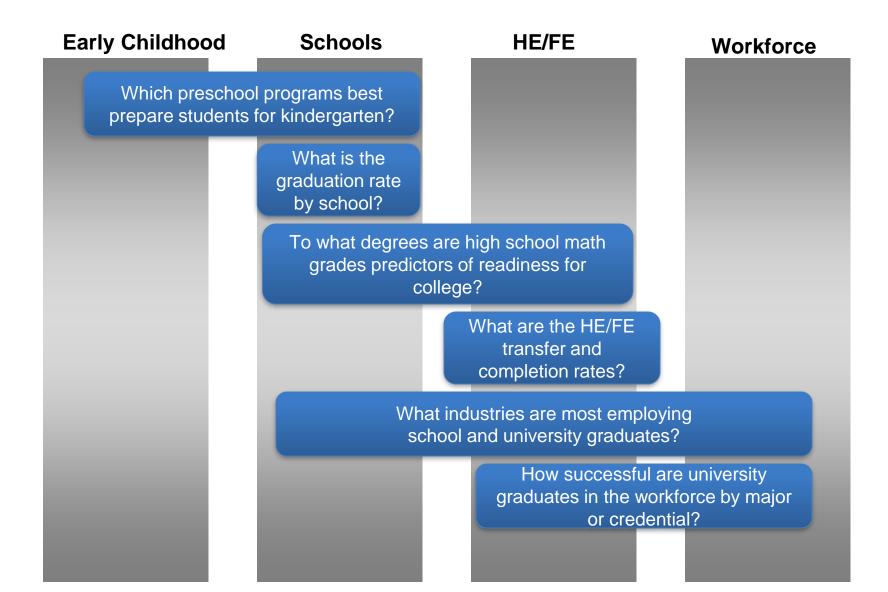






"Before I write my name on the board, I'll need to know how you're planning to use that data."

Why?: Changing Questions



Education Realities

I want all the students...

TO

I want all the students, currently enrolled, in a class, without their demographic data, that minimally contains the following elements to be sent to this application/entity...

0













LMS / VLE **Grade Book**

Assessment

Transport

Employee Curriculum Employee Cancel Student Cancel Bus Bus Stop Activity Wage Credential Structure Transaction Bus Info Lesson Transport Transaction, Equipment info Provider Employee \Response, Info Picture Bus Route Bus Route Info Release Detail **Bus Position** rofessiona Content Learning Learning Émploymer Professiona Identifier Info Development Item Scored Catalog Resource Resource Record Development) Activity Package Program Employee Library Release Contract Patron Assessmer Identifier Status Response Discipline Activity Assignmen Incident Development Employee Employee Learning Registration Personal Learning Standard Credit Time Resource Assessment Documen Worked Item Received Characterist Transaction CS Staff Personal W4 Student Student Assessmen Learning Standard Response Contact Location Employee Package Persona Student Info Assignment, ssessme Payment Contact Sub Test em Scored Student Response Calendar Financial Response Picture Account Form Summary Score Items Response Financial Accounting Student Vendor Info Period Transaction Staff Meal Contact Location Student Assessment Relationship Billing Calendar Assessmen Administration Financial Score Se Registration Date Income ssessmer Schedule Statemen Financial Item Purchasing Class Fiscal Year Score Items Accounting Administrat Test Resolve Period on Scored Accomadat Room Type Identifier Report Report Student Personal Assian on Authority Manifest Staff Financial Identifier Assignmen Account Aggregate Response Resolve Statistic SIF Report Identifier School Fact RoomInfo Object Response Attended School Assign Student Course Info Mark Info SchoolInfo Academic Identifier Record Get Record Aggregate Attendance Term Info Exchange Characteristi Code Info Financial c Info Mark Value Student Budget Mark Value Info Record Get Record Info Data Exchange Exchange Student Section Grading Activity Response Studen SIF Log Mark Info Request SIF Zone Assignmen articipation Daily Identifier Entry Status Score Student Attendance Response Demographi Grading Student LEAInfo c Record Foodservio oodservice Assignment Activity Info Student Student Grading Reimburse Request Enrollment Grade Category Section Info ment Rates Identifier Count Student LEA Info oodservio Student oodservice oodservice oodservice ransaction School ransaction Staff Meal Student Foodservice Student Details Enrollment Counts Meal Counts Item Portion Locator Student Student oodservice Student Period Meal Item articipation Attendance Financial oodservice Special oodservice Student Transaction Education Annual Meal Prices Placement Set Student Record Student Official oodservice Academic Record Foodservice Section Student Item Unit Record Package Staff Student Enrollment Period oodservice Student Response Enrollment School Set Record Purchase ttendange Section Employee Enrollment, Exchange Count Set Student Fransaction Marks Recertificati Set Special Student et Record oodservice Special Academic on oodservice Snapshot Exchange Education Item Sales Education Record Menu Plan Record Response oodservice oodservio oodservice Set et Specia Summary Milk Sales Response bemograph SIF Agent Sales Transaction Education Demographi Ray Method Record c Record c Record ACL SEA Info Response

Education Realities

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125 Student Privacy Bills in 36 States

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The Fall of In-Bloom

Tons of Guidance

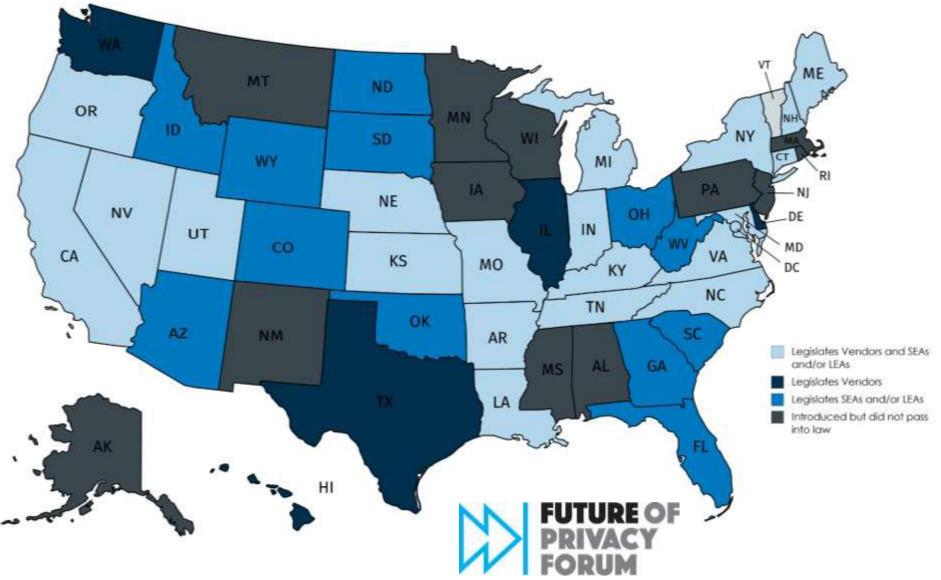
- Department of Education / FTC / White House Science and Technology / PTAC
- DQC / COSN / SIIA / Fordham / Future of Privacy Forum / iKeepSafe / Foundation for Excellence in Education / Parent Coalition for Student Privacy / Electronic Privacy Information Center / Alliance for Excellence in Education
- NYU / Harvard / Learnsphere

A4L Data Privacy Task Force

EGucation vycek object in

Week 5/2/14

40 States Have Passed 125 Laws Since 2013



Local "Control" Issues



- Funding reductions at federal and state levels
 - Local funding implications
- 87% of Districts in the US have less than 10,000 student enrolled
 - IT oversight implications
- 91% of parents indicate that schools need to inform parents before personal student information is exchanged
 - Data management and usage implications

Its Not "One or the Other"!









A4L:

- Non-Profit started in 1997
- Membership driven with schools, districts, regional and state agencies, other professional organizations and marketplace providers in the Community
- Collaboratively develops technical blueprints for data to move safely and securely between school software applications
- Used in every state and Communities in 4 Countries

SDPC:

- Special Interest Group of A4L
 Community started in 2015
- Maintains its own governance, oversight and resource support
- Numerous stakeholders addressing data privacy "Pain Points"
- Working on three projects identified and worked on by members:
 - Privacy Contract Framework
 - Digital Tools Governance
 - Global Education PrivacyStandard



How is A4L "Different?

How is A4L unique?

20 Years of Development Experience in K12 Interoperability

100% Membership Dues Funded – No Outside Funding Dependencies

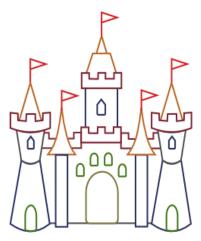
Expertise in Balancing <u>BOTH</u> Data Interoperability & Privacy

School, State, Government and Vendor Members Across 4 Global Communities

Well-established and Transparent, Governance, Finance and Development Processes

Leadership Committed to Using Multiple Standards Together to Address Any Use Case

So What Are The Issues?





Who Can Access?

✓ Need to consider <u>both</u> inside areas of the castle/school (between rooms and/or between apps) and outside access to the castle/school (moat and drawbridge and/or firewall and security)

What Can They Access?

✓ Once inside the castle/school where can they go? (i.e. to the butcher but not the church and/or to the SIS but not healthcare applications)

How Can They Access?

✓ Does everyone enter in their own manner (password and by horse and/or API and remote access) or do we all use the same mechanism?

Student Data Privacy



Current Status

Federal Legislation

FERPA, COPPA, PPRA, CIPA, HIPAA





Guidelines & Resources

PTAC, CoSN, DQC, CSM, FPF, etc...

FL Legislation

1	Year	BILL NUMBER	High Level Summary	Early Ed	K-12	Higher Ed	Vendors	SEAs	LEAs
20	014	SB 188	Requires State Board to annually notify parents and students of their FERPA rights. Prohibits collection or retention of information such as political and religious affiliation, voting history, or biometric information of student, sibling, or parent. Prohibits use of a student's SSN as their identification number.	N	Y	N	N	Y	Y
20	017	<u>HB501</u>	An Act relating to public records and public meetings – this bill creates an exemption from public records requirements for certain records held by a state university or Florida College System institutions which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents and this bill authorizes disclosure of confidential and exempt information to certain agencies and officers.	N	N	Y	N	N	N
20	018	<u>HB 731</u>	This bill prohibits the state superintendent from storing any PII from students who are home schooled. District school superintendents are prohibited from including social security numbers or any other personal information of students in any school district or school database unless the student chooses to participate in a school district program or service.	N	Y	N	Y	Y	N

HIPPA

Health Insurance Portability and Accountability Act of 1996

When does it apply in schools?

In most cases, the *HIPAA* Privacy Rule does not apply to an elementary or secondary school because the school either: (1) is not a *HIPAA* covered entity or (2) is a *HIPAA* covered entity but maintains health information only on students in records that are by definition "education records" under *FERPA* and, therefore, is not subject to the *HIPAA* Privacy Rule.

http://bit.ly/2ipV4ri

CIPPA

The Children's Internet Protection Act

What does this CIPPA address?

- Federal Communications Commission (FCC) rule requires that K–12 schools and libraries in the United States use Internet filters and implement other measures to protect children from harmful online content as a condition for federal funding.

https://www.fcc.gov/consumers/guides/childrens-internet-protection-act



PPRA

Protection of Pupil Rights Amendment

What does this PPRA address?

Requires parental consent for any surveys that contain the following information;

- Political affiliations;
- Mental and psychological problems potentially embarrassing to the student and his/her family;
- Sex behavior and attitudes;
- Illegal, anti-social, self-incriminating and demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent*; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

https://www2.ed.gov/policy/gen/guid/fpco/ppra/parents.html

COPPA

Children's Online Privacy Protection Rule

- Who Does COPPA apply to?
 - FTC Rule
 - A Federal Trade Commission (FTC) Rule
 - COPPA imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age.

Family Educational Rights and Privacy Act of 1974

Who can describe FERPA in layman's terms?



https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html

Family Educational Rights and Privacy Act of 1974

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;

- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Family Educational Rights and Privacy Act of 1974



Family Educational Rights and Privacy Act of 1974

- 1) What role do you play in your District in ensuring FERPA requirements are being met?
- 2) Who else in your District plays a role in protecting students' privacy?
- 3) What do you feel you and your District do well in ensuring all student records/data are protected?
- 4) What areas do you feel your District could improve in relation to ensuring the protection of your students' data?

YOU ARE THE ONLY ONE DRIVING THE CAR!

- Neither the federal government nor most state governments have made the enforcement of student privacy laws a priority. Except perhaps for the FTC, very few lawsuits.
- Many persons in the business department or other senior school management will not have the expertise to understand student privacy issues.
- The battles for student privacy will be mostly fought for now by your IT department or your CTO.

The Questions.... Or "Mis-Questions"

- I am a vendor who is FERPA Compliant
- My application does not contain personally identifiable (PII) information
- As a school I need to ensure COPPA compliance
- Teachers using made up IDs for apps is ok
- As a school, if I only share "Directory Information" with the App I'm OK
- As a vendor I believe the schools must collect parental consent to meet COPPA



Privacy Law Resources

http://www.fldoe.org/core/fileparse.php/767
 4/urlt/0064538-ferpa.pdf

https://ferpasherpa.org/state-laws/

https://privacy.a4l.org/









Privacy - By The Numbers...

the Student Data Privacy Consortium (SDPC)







Students supported by Projects

8400+

School Districts represented



2765



Signed Vendor Agreements 1900



Applications in Database

>250



Signed "Piggyback"
Exhibit E

"The California Educational **Technology Professionals** Association (CETPA), representing over 1,000 districts, has joined the Student Data Privacy Consortium. The Consortium has a mature process for establishing a statewide contract and a database for posting vetted applications and provides transparency to staff and community. Collaboratively working with our partners, we expect to build clear steps that will streamline the process in protecting our student's data by having a state-wide contract demonstrating compliance with CA legislation."





BREAK





The Student Data Privacy Consortium: The FL Alliance









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Expertise in Balancing <u>BOTH</u> Data Interoperability and Data Privacy

School, State, Government and Vendor Members Across 4 Global Communities

Well-established and Transparent, Governance, Finance and Development Processes

Leadership Committed to Using Multiple Standards Together to Address Any Use Case



Establish a community of stakeholders who have various needs addressed through policy, technology and/or effective practice sharing around effective privacy management,

Identify **projects that have on-the-ground and real-world impact** on student data privacy enabling schools, districts, state and vendors find resources, adapt them to their unique context and implement needed protections,

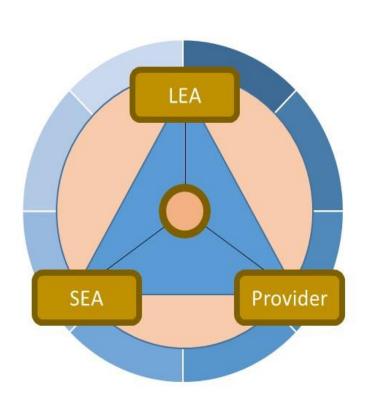
Development of **tools and resources** to address operational issues not currently being addressed,

Leverage partnership organizations working in the privacy space to have their good work utilized and no reinvention of existing work,

Development of a **clearinghouse of student data privacy operational issues** and resources to support schools, districts, states and vendors in managing those issues – no matter where the resources originate.



SDPC Scope and Opportunity





Consortia sponsored products/tools services



Consortia membership, ideals, mission



Tangential initiatives and groups, including privacy initiatives, funders, etc



Core stakeholder/consumer/client



Stakeholder relationship driving core directives through pain points









Privacy - By The Numbers...

the Student Data Privacy Consortium (SDPC)







by Projects





Signed Vendor Agreements

1900



Applications in Database >250



Signed "Piggyback" Exhibit E

Learn about the new emerging "Global Education Privacy Standard" soon to change the way vendors & districts communicate and validate privacy requirements

Find out more: https://privacy.A4L.org

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Andrea Bennett, CETPA Executive Director



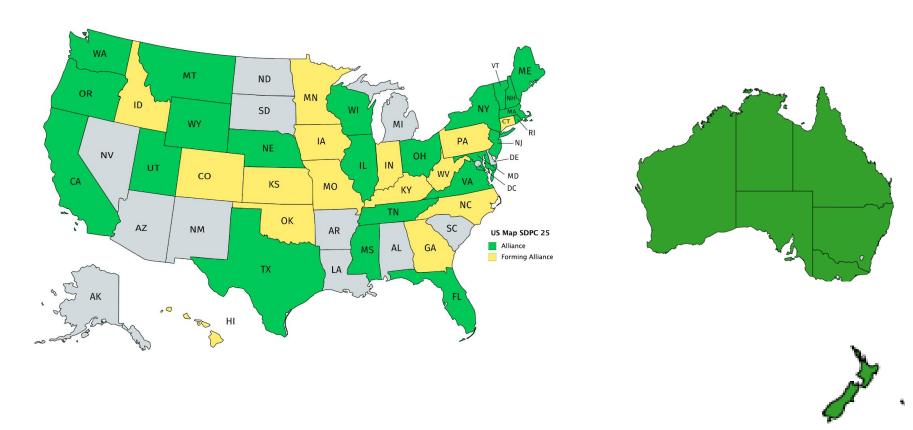
SDPC Tactical Privacy Projects

Project 1: Privacy Contract Framework

The Privacy Contract Framework project is focused on the development a framework for identifying solutions that have onthe-ground and real-world impact on student data privacy enabling schools, districts, state and vendors find resources, adapt them to their unique context and implement needed protections. Application Profiles will be developed to support "apples to apples" comparisons.



Alliances, Alliances,



SDPC State/Territory Alliances (Green) and in Process (Yellow)

Currently 32 million Students Impacted by over 1650 Applications!



Alliances, Alliances,

Alliance Formation Models:

Top Down: The State agency leading the charge to develop and grow the Alliance

Bottom Up: A LEA takes the lead to develop and grow the Alliance

Middle Driven: A regional service agency, professional association, or user group takes the lead to develop and grow the Alliance

- CoSN, ISTE, SETDA, affiliates / Regional Service Agencies / Etc.

^{*} All three models have examples of SEAs paying for Alliance Membership as a "value-add" to LEAs.



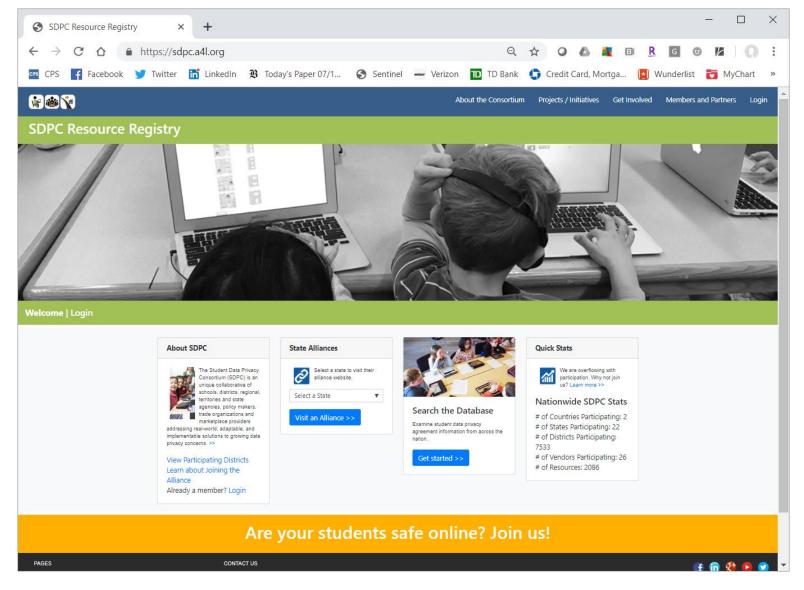
Alliances, Alliances,

Alliance Roles:

- ✓ Participate in the SDPC and interact with other Alliance members and SDPC Projects
- ✓ **Convene** stakeholders in their state to identify pain points and gauge the interest in developing a "common contract framework" and tools use as 16 other states have done to date.
- ✓ **Develop** contract wording that could be used by all districts with their vendors and provide transparent communications to parents and community members on application usage.
- ✓ Advocate for student data privacy and locally support the ongoing needs of the Alliance including bringing possible projects to the larger SDPC Consortium for review and vetting by other Alliances.



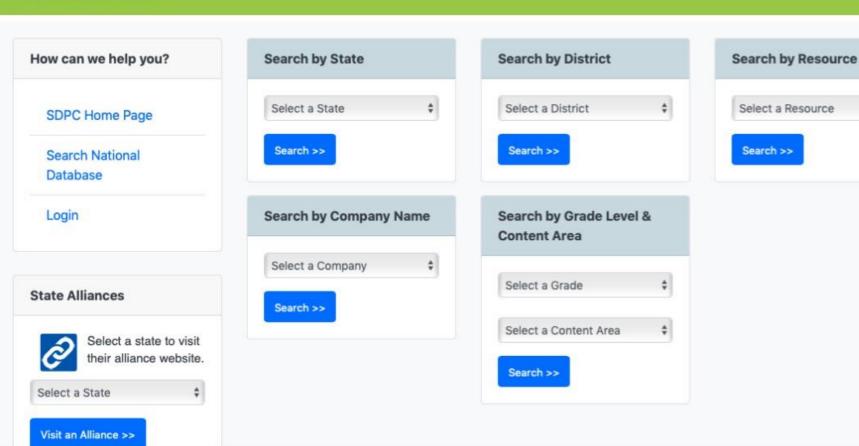
SDPC Resource Registry





SDPC Resource Registry







SDPC Tool

DW 10 ≎	entries			Search:			
	Company Name	Application	Status	Agreement Type	Grade Level	Content Area	Data
	Achieve 3000 Purpose: Achieve3000® provides the only patented, cloud-base solutions that deliver daily differentiated instruction for nonfiction reading and writing that's precisely tailored to each student's Lexile® reading level.	Achieve 3000	Active	Agreement V2a (Includes Terms of Service)	6, 7, 8	English Language Arts	(00 to 100 to 10
	Beneficent Technology Purpose: Non-profit social entrepreneurial venture hamessing the power of technology for social benefit.	Benetech	Active	Legal Drafted Parent Release			Data U
	Biblionasium Purpose: Kids connect with friends, parents and teachers to share and recommend their favorite books	Biblionasium	Active	Legal Drafted Parent Release	K, 1, 2, 3, 4, 5	Library Media	
W	Sunburst Digital, Inc. Purpose: Leveled online text library	Big Universe	Active	Agreement V1	K, 1, 2, 3, 4, 5	English Language Arts	Coming Soon
	Google Purpose: Free weblog publishing tool from Google, for sharing text, photos and video.	Contract PDF	Active	Legal Drafted Parent Release	6, 7, 8, 9, 10, 11, 12	Instructional Technology	Coming Soon
POP	BrainPOP Purpose: Animated curricular content		Active	Agreement V2a (Includes Terms of Service)	K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	Other	Coming Soon
VIC Fraw Hill	McGraw Hill Education Purpose: Supplemental online activities for JK Math curriculum.	Building Blocks	Active	District Modified Contract	К	Math	Coming Soon
	Hotmothe Inc	Catabun Math					



SDPC App "Tools"

Tools for Participating Districts



Add Customized Resource
Listing to Your Website



Add Digital
Resource Request
Form to Your Website



Build a Contract Tool



Bulk Import Template



Export List of All Resources



Email MA Participants
Email All Participants



Statistics



Add Additional District
Account



Members Area

Search the Database >>

View All Participating
Districts >>

Add: Resource | Agreement

Manage Resource/Agreement Information

Participating Districts

Download Student Data Privacy

Agreement

Version 5: pdf I doc Version 4: pdf I doc

Add Additional District Account

Edit Account Information

Logout



SDPC Tactical Privacy Projects

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The Privacy Contract Framework project is focused on the development a framework for identifying solutions that have on-the-ground and real-world impact on student data privacy enabling schools, districts, state and vendors find resources, adapt them to their unique context and implement needed protections. Application Profiles will be developed to support "apples to apples" comparisons.

Project 2: Digital Governance Tool

— The Digital Tools Governance project centers around developing a comprehensive framework for aligning a school system's policy landscape, strategic programming, tactical processes, and accountability mechanisms to support the system's vision of how its digital tool ecosystem will advance its overall mission and goals while minimizing its risks of data privacy and security incidents.

Framework for Transformative Digital Governance Know your goal before you begin... Student Data Privacy Consortium **Ensure Accountability** Mechanisms and Metrics are Working Monitor Metrics and Provide Craft a Tone at the Top? Feedback Policies in Place? Vision Adapt and Rework as Necessary Stakeholders? Risk and Liabilities? Ground View? Blind Spots? **Monitor** Assess the and Adapt Terrain **Digital Tool** Governance New Policies & Procedures Implementation Strategy Create Cross-functional Teams Communications Plan & Communicate Goals, Plans, & **Documents** Mobilize Accountability **Expectations** Develop **Provide Training & Resources** Mechanisms & Metrics and the Plan Peoples' Roles & Fully Engage & Walk the Walk Deploy Responsibilities Celebrate Accomplishments Resources Needed

Digital Governance Tool (DGT)



Welcome to the DGT.

Below are the projects and your progress. Click on a project below to get started.

















Project 3: Global Education Privacy Standard (GEPS)

- Contractual agreements over the protection of student data is only the first step - if/how providers are meeting the requirements in their solution
- In order to create a secure K-12 environment we need to connect the contractual obligations to real world technology solutions not "industry best standards" as currently stated in many data privacy agreements (DPA).



National Data Privacy Agreement Clause Set

Purpose of DPA	Nature of Services Provided
	rataro di Gorvidoo i Toviada

Student Data to Be Provided Student Data Property of LEA

Parent Access Separate Account

Third Party Request Subprocessors

Privacy Compliance Authorized Use

Employee Obligation Non Disclosure

Disposition of Data Advertising Prohibition

Data Security Passwords and Employee Access

Destruction of Data Security Protocols.

Employee Training Security Technology.

Security Coordinator Subprocessors Bound.

Periodic Risk Assessment Data Breach

Privacy Compliance Annual Notification of Rights

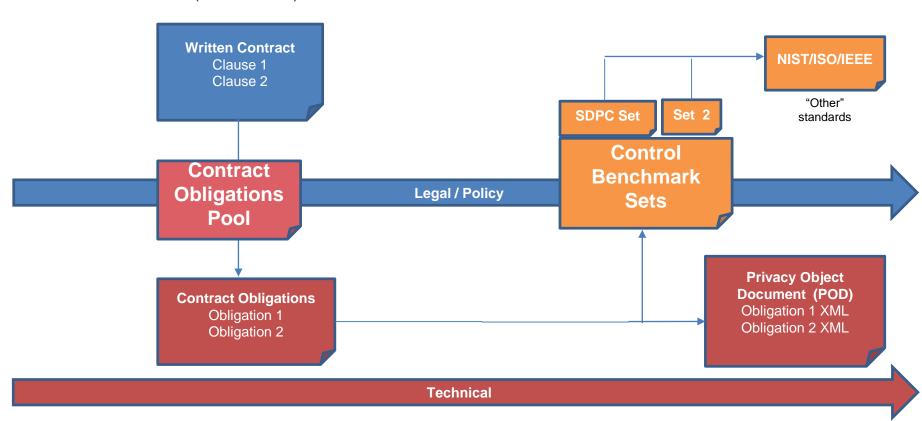
Reasonable Precautions Unauthorized Access Notification.

Global Education Privacy Standard (GEPS)



School / Department of Education

(Data Controller)



<u>Vendor</u> (Data Processor) **Destruction of Data.** Provider shall destroy or delete all Student Data obtained under the Service Agreement when it is no longer needed for the purpose for which it was obtained or transfer said data to LEA or LEA's designee, according to the procedure identified in Article IV, section 5, above. Nothing in the Service Agreement authorizes Provider to maintain Student Data beyond the time period reasonably needed to complete the disposition.



OBLIGATION	Maintain an accessible practice of destruction of	
	data with adequate reference to definitions and	
	policies in presenting general data retention	
	guidelines	Alignment to Known Standards
Benchmark	Present a data retention policy which identifies data classifications, retention schedule,	
	and destruction process in line with data classification level.	NIST 800- 53 (Rev. 4) System And Information Integrity Control Family SI-12 Information Handling and Retention.
Benchmark	Properly address and agree to the definition of delete [link. Talk to making unrecoverable, discuss extent such as backups/etc].	NIST 800-88 R1 are the data delete definition guidelines to be referenced against the legal requirements for retention and data classification and definitions as required by specific local standards (state, provinces, territory)
OBLIGATION	Acknowledge and register adequate signals for the interpretation, operational execution, and notice of deletion requests.	Alignment to Known Standards
Benchmark	Destroy data as a result of a delete request in accordance with Service Agreement at end of service, at end of purposeful use, when no longer required, when	
	unlawfully collected or requested under legal directive, where guardian has objected, where District is not clear controller of subject data, or where Parental consent has not been obtained for under 14.	NIST 800- 53 (Rev. 4) System And Information Integrity Control Family SI-12 Information Handling and Retention.

POD contents (SIF Infrastructure)



Header

Status, Token ID, version, PartyID (eg company)

POD – Technical applicability

Default, Data model, Data model version



Contract

Legal obligations

Technical obligations

Data access

Subject specific obligations

Condition list

Data deletion obligations

Data controller obligations

Data processor obligations

Data subprocessor details Default can be set Can repeat if fine grained controls required



The MOST complete standardized roster solution for K12 usage



The MOST implemented K12 Interoperability Specification



The REST Infrastructure that starts simply and scales easily

Introducing "Unity"!



The BEST Implementable Specification for CEDS Utilization



The FIRST Interoperable Specification allowing for great privacy control and the Global Education Privacy Standard (GEPS)



The FIRST Standardized API for Individual Education Plans



Its Not "One or the Other"!









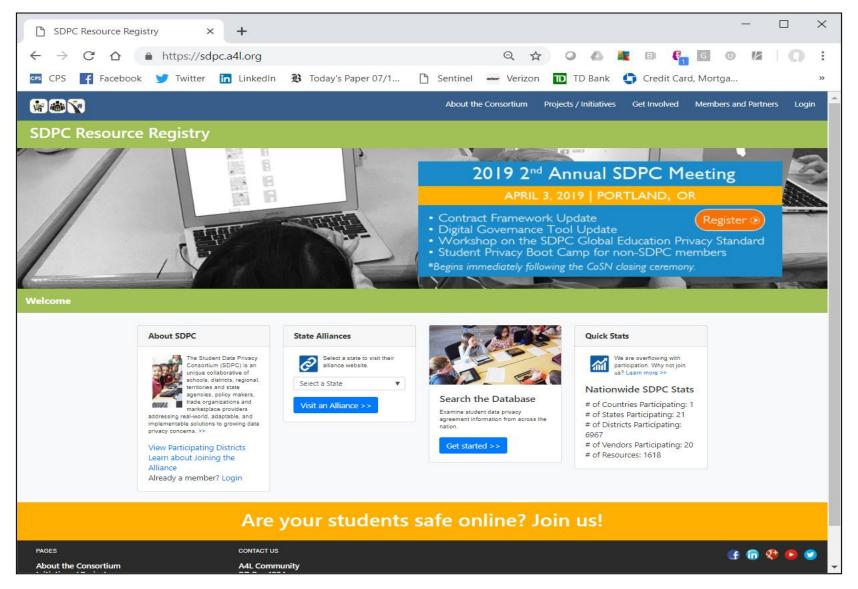
What Can I Do Now?

- Start an inventory
- Start a conversation in your district
- Begin building awareness
- Become involved in FLPA
- Become familiar with FPA Registry





SDPC Resource Registry





Get Involved!

www.privacy.a4l.org



- www.a4l.org
- Larry Fruth PhD A4L Community
 - Ifruth@a4l.org
- Go to the <u>FL Alliance page</u> > Click on Join Now >
 Select your district and fill out the form. The
 account request will go to the Alliance admin for
 approval. When filling out the form, you choose
 your own username and password.