



# Student Data Privacy

February 11th 2019  
Sycamore Advisory Commission



**Introductions**

**Legal Landscape**

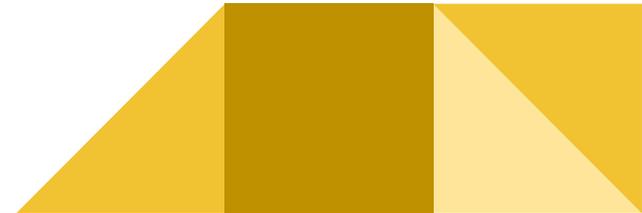
**Best Practices &  
Recommendations**

# Team

Joe - Chair

Saundra | Andy | Vinit | LeeAnn | Dean | Charles

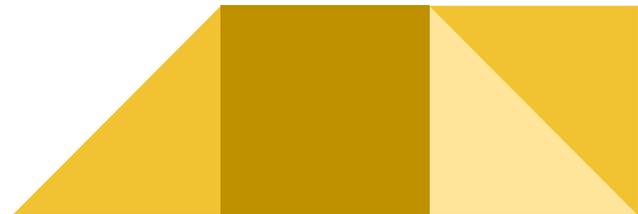
District Contact - Bill Fritz



# Mission

*Protecting critical student data is a priority of the district. We have several layers of protection that are implemented continuously. As this world evolves, we are interested in learning what are the current trends in protecting student data in schools. This research may encompass a broad based analysis of best practices in schools. Also, we certainly are open to practices that businesses and the private sector employs to protect data.*

- Sycamore Community Schools Fall 2018



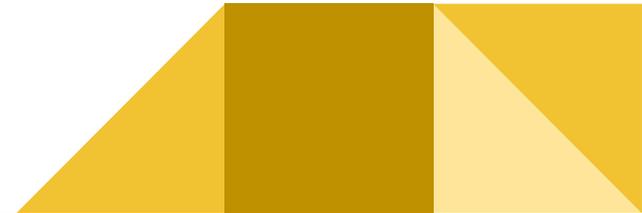
# Context

- Technology has changed the classroom
- Old classroom: textbooks, photocopies, filmstrips, etc.
- Modern classroom: on-demand delivery of personalized content, virtual forums for interacting with students, and web-based applications help teachers customize learning experience to achieve better outcomes.
- This is progress. But the information sharing, web-hosting, and telecommunication innovations that have enabled these new technologies raise questions about how to best protect student privacy.



# Guiding Questions

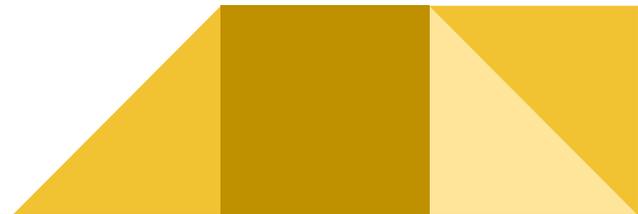
1. What are the federal and state student data privacy laws?
2. What are the best practices to stay current and compliant with federal and state laws?
3. How might Sycamore implement the CoSN Trusted Learning Environment (TLE)?
  - Framework (<https://trustedlearning.org>)
4. What structure needs to be implemented in the event of a data breach?



# Guiding Questions

We focused on the first three, per advice from administrative contact.

Data breach is a separate concept, and summarizing the underlying legal landscape and best practices is a significant undertaking.



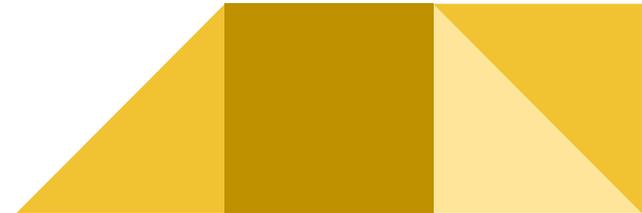
# Methodology

Legal research regarding operative laws (FERPA, COPPA, PPRA, etc.)

Supplemental research regarding best practices/industry standards

Series of interviews with Administrative Contact Bill Fritz

Review of a peer - Zionsville School District (Case Study)



# Legal Framework

**Complex interplay between multiple federal and state statutes (FERPA, COPPA, PPRA, etc.)**

**Goal to highlight key points/issues, not identify all legal requirements or assess compliance**

# FERPA

Protects “personally identifiable information” (PII) from education records



- Directory Information
- PII
- Meta Data
- School Official Exception

# PPRA

Parents have certain rights regarding marketing activities in schools



- Directly notify parents or students
- Marketing purposes
- Opportunity to opt out
- Protecting data that is not only PII, but personal in nature

# COPPA

Applies to commercial websites & online services directed towards children under 13



- Must obtain parental consent prior to collecting personal information
- Schools to exercise consent on behalf of parents

# OSPA

Ohio analog to FERPA  
Generally mirrors FERPA



- Never release directory information “...for use in a profit-making plan or activity.”
- Prohibits release of directory info. with exceptions

**Federal Law**

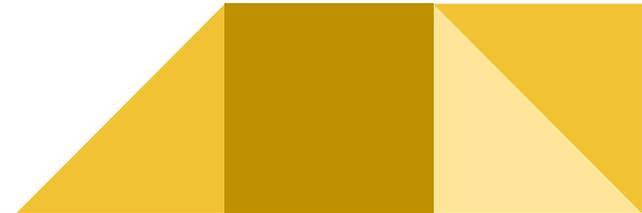
**State Law**

# A note on metadata . . .

Metadata is information that provides meaning and context to other data that is being collected.

For example, information about how long a student took to complete an online task has more meaning if you know the date the student completed the activity, how many attempts the student made, and how long the student's mouse hovered over an item (potentially indicating indecision).

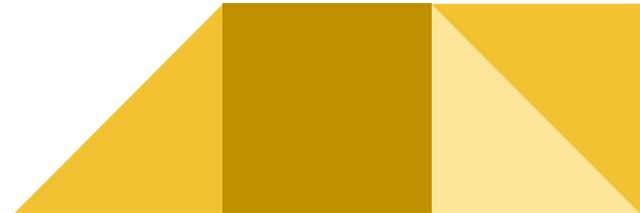
May or may not be FERPA protected. Not protected if stripped of all direct and indirect identifiers. But this is fuzzy--de-identified data can often be re-identified, which would implicate FERPA.



# FERPA is a floor, not a ceiling

In addition to the fact that there are other federal and state laws pertinent to disclosing PII, consider that FERPA compliance is the bare minimum.

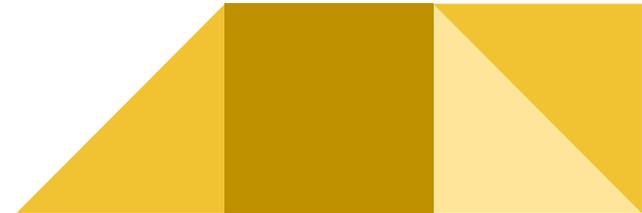
Even when sharing PII from student education records under an exception to FERPA's consent requirement, it is considered a best practice to adopt a comprehensive approach to protecting student privacy when using online educational services.



# Interplay between FERPA and PPRA

FERPA governs PII from education records maintained by a school or district, whereas PPRA is invoked when personal information is collected from the student.

Online educational services can implicate both. For example, school may provide FERPA-protected data to open student accounts, and information subsequently collected through the student's interaction with the online service may implicate PPRA.



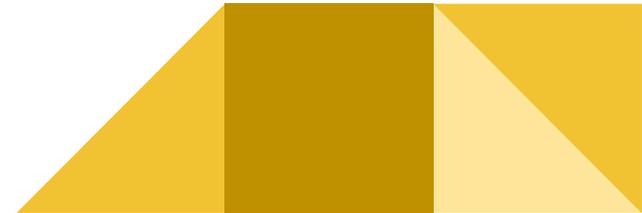
# Compliance -- Why Does It Matter?

No private cause of action.

FERPA could potentially implicate federal funding.

FERPA, PPRA, other statutes provide mechanism to lodge complaint with Department of Education.

Most important considerations are likely substantive protection and public perception.



# Best Practices & Recommendations

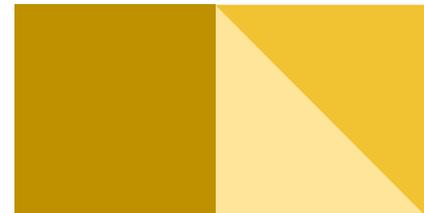
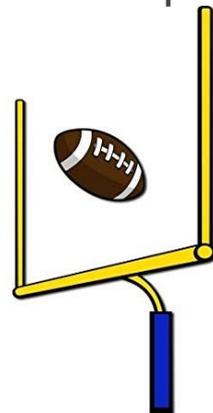
1. **Maintain awareness**
2. **Draft formal data privacy policy**
3. **Inventory online educational services**
4. **Policies and procedures for evaluating online tools**
  - a. POC
  - b. Model contract.
  - c. Procedure for “click-wrap” agreements.
  - d. List of approved tools.
5. **Appoint Digital privacy officer**
6. **Integrate CoSN**

# Maintain awareness

As set forth above, numerous federal and state statutes are implicated when schools engage with online content providers--a regular occurrence in today's classroom.

Properly navigating this regulatory landscape requires constant awareness and proactive measures to ensure that appropriate policies and procedures are in place to maintain compliance.

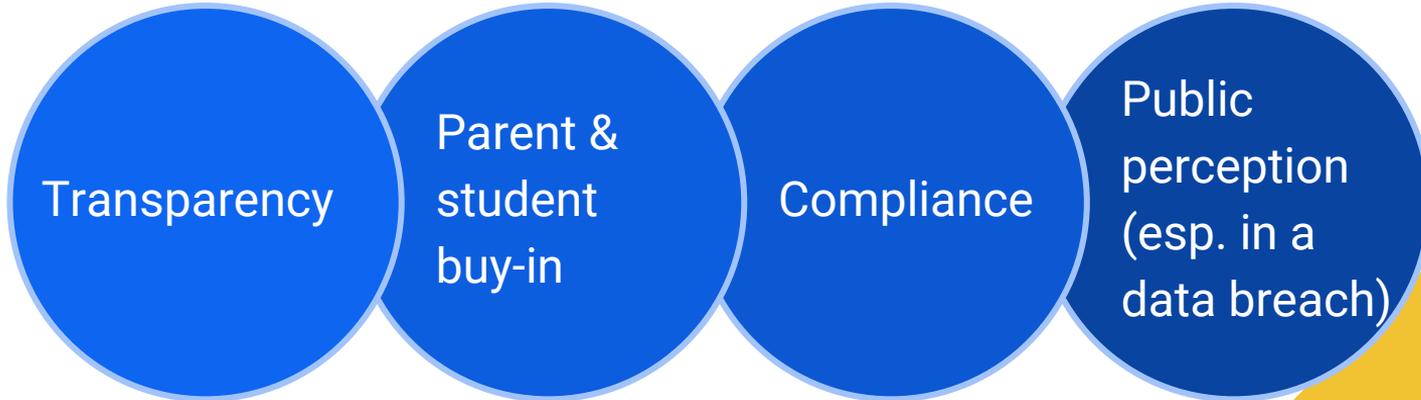
Goal should be to move past compliance to trust.



# Draft formal data privacy policy

Sycamore does not currently have a data privacy policy. We have generic blackboard web community privacy statement (governs only info collected through blackboard; not Sycamore-specific).

Benefits:



# Inventory online educational services

- We may not know what we've already agreed to.
- Take a comprehensive inventory of online educational services in use.
- Review operating agreements/terms of service to ensure compliance with:
  - Federal law
  - State Law
  - Best practices

The screenshot displays a 'Sycamore Launch Pad' dashboard. At the top, there is a 'Sycamore Launch Pad' header and a 'Building Video' section. Below this, there are two main categories: 'Staff' and 'Student'. Each category contains a grid of service icons with labels and descriptions.

**Staff Services:**

- Aesop (AESOP)
- Almweb
- Anthem
- Blackboard
- Cincinnati
- Collections
- Compass Learning
- Dashboard
- DASL
- Discovery Education
- District Web site
- Envision
- Facebook
- Final Forms
- FTP
- Flight Plan Staff
- Gale - EH Greene
- Gale - HS
- Gale - JH
- Gale - K4
- Google Tools
- Help Desk
- Human Resources
- IEP Anywhere
- INFOhio
- Library Resources 7-12
- MathXL
- McGraw Hill / ConnectEd
- Mentoring
- Mystery Science
- NWEA Map
- Ohio Value Add
- Onmedia Spot
- OPAC/Elliott
- Partner Update
- Password Management
- Pearson EngEdge
- Pinterest
- Progress Book
- Raz Kids
- Reading A-Z
- Restraint Form
- Simple Solutions
- SNAP
- Software-Hardware Request
- Staff Copy/Print Information
- Teacher Evaluation Resources
- Tech Tidbit
- Twitter
- Windows Virtual Desktop
- Wordly Wise (Daily)

**Student Services:**

- Blackboard
- Chrome MAP Testing Link
- Cincinnati
- CODE.org
- Collections
- Compass Learning
- digits
- Discovery Education
- District Web site
- Envision
- Flight Plan Student
- Fuel Up And Play
- Gale - EH Greene
- Gale - HS
- Gale - JH
- Gale - K4
- Go Math! BA
- Go Math! JH
- Go Math! MD
- Go Math! MT
- Go Math! SY
- Google Classroom
- Google Tools
- Help Desk
- INFOhio
- IXL - Greene
- Kahoot!
- Math Trailblazers
- MathXL
- McGraw Hill / ConnectEd
- MobyMax
- NWEA Reading Fluency Test
- Ohio Means Jobs K-12
- Onmedia Spot
- OPAC/Elliott
- Overgrad Login
- Password Management
- Pearson EngEdge
- Pearson Realize
- Raz Kids
- Reading A-Z
- Simple Solutions
- Student Mastery Connect
- Student
- Studies Weekly
- TemMarks
- Typing Pal
- Word Voyager
- Wordly Wise
- XtraMath

# Policies for evaluating online services--POC

- Establish set point or points of contact for evaluating online services.
- Consider who has decision making ability with regard to signing up for online services and make sure they are aware of the POC(s) and applicable procedures.

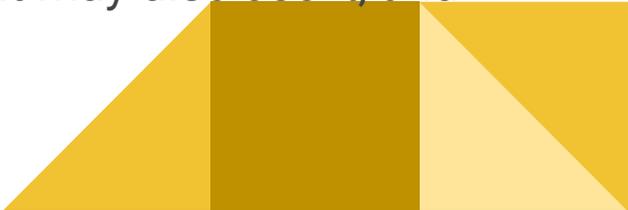


# Policies for evaluating online services--model contract

- In some instances, we can negotiate service contracts with providers.
- Instead of starting from scratch each time, develop a template agreement that complies with all pertinent federal and state laws relating to data privacy.
- Modify individual provisions as necessary so that individual agreements are tailored to the needs of the case.



# Model contract -- considerations

- Security and data stewardship provisions: make clear whether data belongs to the school or the provider, describe each party's responsibilities in event of a breach, establish minimum security controls.
  - Collection: be specific about information provider will collect (e.g. forms, logs, cookies, etc)
  - Data use, disclosure, and destruction provisions: specify how provider may use student data, under what circumstances (if any) it may disclose it, and when it must destroy it.
- 

# Policies for evaluating online services--click wrap

- The most common form of contract involves boilerplate terms of service or “click wrap” agreements.
- These are essentially contracts of adhesion for the school, it’s take it or leave it.
- Most people don’t even read the terms of service, but they are important.
- So what can a district do? (next slide)

BIRTHDAY

Month ▼ Day ▼ Year ▼ ?

USERNAME

andrew123

EMAIL

user@quizlet.com

PASSWORD

●●●●●●●●

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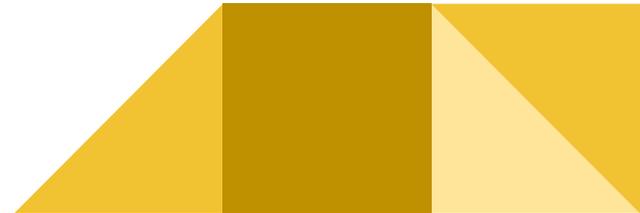
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# Consider implementing the following:

- Review click wrap agreements carefully for the same considerations you'd assess when drafting an individual contract--security
- Check amendment provisions--can provider amend terms of service (TOS) without notice for example?
- Don't just click. Print and/or save a copy of the TOS.
- Limit authority to accept TOS. Perhaps require individual educators to obtain approval of TOS from POC before accepting.



# Appoint digital privacy officer/coordinator

At present, there isn't a single person 1) charged with ensuring digital privacy or 2) armed with resources to address digital privacy concerns.

Focusing on digital privacy requires coordination across the district and could be facilitate by a team.



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

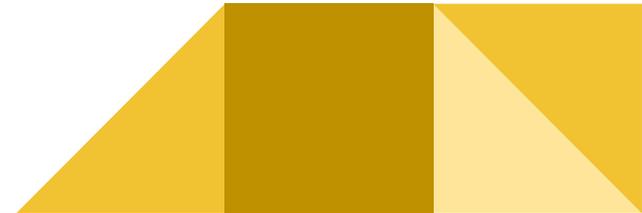
# Implement CoSN trusted learning environment

The Consortium for School Networking (CoSN) is the leading professional association for school system technology leaders.

CoSN represents over 13 million students in school districts nationwide.

CoSN issued a toolkit that addresses policies and procedures for achieving compliance with federal and state data privacy laws and moving beyond compliance to trust.

CoSN concepts are woven throughout recommendations above, which are a starting point, not a comprehensive solution.

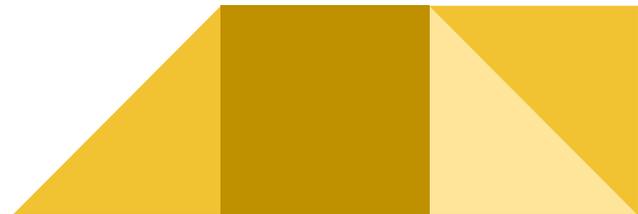




# Questions

# Resources for the District

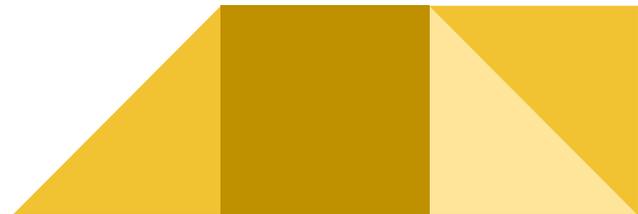
- [CoSN - Protecting Privacy](#)
  - [“Ten Steps Every District Should Take Today”](#)
  - [Vetting Online Privacy](#)
  - [Disclosing Student Data: FERPA and the School Officials Exception](#)
- [CoSN - Student Privacy ‘Toolkit’](#)
- [The ABCs of Student Data Privacy for Administrators - McGraw Hill](#)
- <https://studentprivacy.ed.gov/>
  - [Data governance checklist](#)
  - [Legal Basics](#)
  - [Model Terms of Service](#)
  - [Glossary \(includes data security\)](#)



# Zionsville Case Study

“Hope is not a Strategy” - Dan Layton , Zionsville Schools

- [Zionsville Data Privacy and Protection](#)
- [Information Guidelines](#)
- [Trusted Learning Environment Showcase](#) (Source: [TrustedLearning.org](#))
- [Additional Information](#) - Interview with Dan Layton



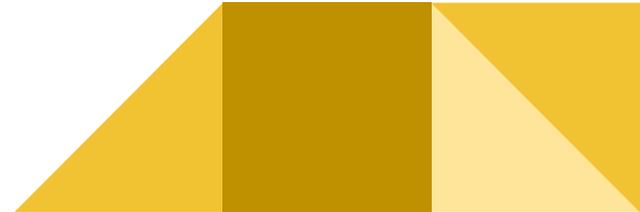
# Zionsville School District Case Study

## STAFF

- [Staff Internet Acceptable Use Policy](#)
- [Software requests & Installation Schedule](#)
- [ZCS Software Request Form](#) \*
- [\*\*Recommended Software list\*\*](#)
- [Tablets](#) (including App Installations)

## PARENTS /Students

- [Data Privacy and protection](#)



# Third Party Risk Management

- Registry of evaluation status of third parties
- All New Third Parties (even click-wrap Apps) go through registration process
- Evaluate Third Parties based on usage of Student/Parent/Employee PII (Personally Identifiable Information)
  - If any PII used, determine information class: FERPA, PPRA, COPPA, and/or OSPA?
  - If any PII used, have evaluation standards (for Click-Wrap) or model contracts (for Contract based deals) covering:
    - Privacy - ensure data is used according to applicable law based on information class
    - Information Security - ensure data is protected according to industry best practices (NIST/ISO are good organizations to reference)

