

Protecting Student Privacy

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Current Legal Protections

- FERPA, HIPAA & More

Data ODE Collects

Data ODE Doesn't Collect

Data Sharing, Handling,
Storage & Data Protection

Current Laws Governing Collection of Data

COPPA

- Children's Online Privacy Protection Act 1998
- Applies to children under 13
- Applies to web site operators and details:
 - What a website operator must include in a privacy policy,
 - When and how to seek verifiable consent from a parent or guardian,
 - What responsibilities an operator has to protect children's privacy and safety online
 - Restrictions on marketing to those under 13
- Websites may only retain personal information of children as long as it is necessary to fulfill the purpose for which the information was collected

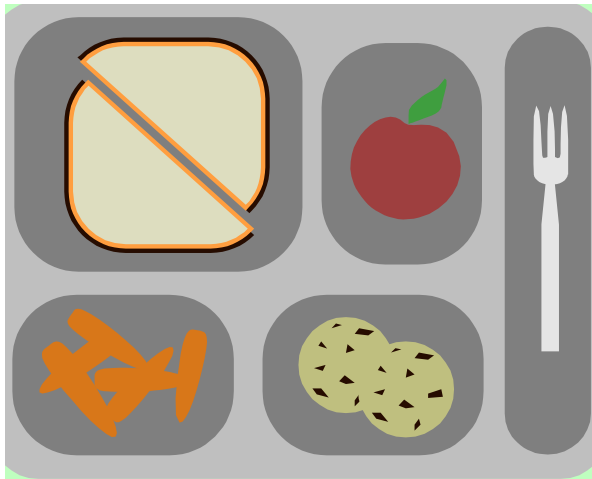


HIPAA

- Health Insurance Portability and Accountability Act of 1996
 - Regulates the protection and disclosure of protected health information
- Protected health information
 - Any information about health status, provision of health care, or payment for health care that can be linked to a specific individual.
- May be disclosed to:
 - Facilitate treatment, payment or health care operations
 - Law enforcement officials for law enforcement purposes



USDA Free & Reduced Lunch Program



- All data submitted to the National School Lunch program is governed by USDA Confidential Information Disclosure Guidelines
- Eligibility information is confidential
- May only be disclosed to:
 - Federal education program
 - State health or state education programs
 - Nutrition programs (eg. Food stamp programs & Food distribution Programs) with comparable standards
 - Persons connected with the administration or enforcement of federal nutrition programs.

FERPA

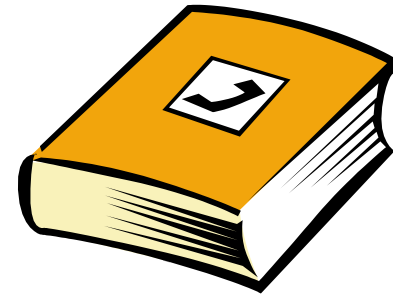
Family Educational Rights and Privacy Act Passed in 1974



- Under FERPA Students have the right to:
 - Inspect & review educational record
 - Prevent disclosure of educational record
 - Seek amendment to educational records if inaccurate
 - Be notified of their privacy rights

FERPA: Student Information That Can Be Shared

- Schools can disclose without consent Directory Information
- Directory Information may contain:
 - Student's name
 - Address
 - Telephone number
 - Date & place of birth*
 - Honors & awards
 - Dates of attendance
- Schools must tell students & parents what they include in directory information
- Students & parents may request that student directory information not be disclosed



* Some states' privacy laws restrict publication of birth place



FERPA: Disclosure Rules

- **Support of individual students and schools including:**
 - Other school to which a student is transferring
 - Appropriate officials for health and safety emergencies
 - Appropriate parties in connection with financial aid to the student
 - To comply with a judicial order or subpoena
 - Accrediting organizations
- **Support of education across the state**
 - Organizations conducting certain studies on behalf or for the school or the Department of Education
 - Specified officials for the purpose of audit or evaluation of an educational program (ODE and OEIB)

Types of Data ODE Collects

Collected For All Students

- Directory Information
 - Student name, address, date of birth
- Gender/Ethnicity
 - Self-declared, subject to change
- Courses taken
- Days in Attendance
- Test scores from statewide standardized tests
- Y/N flags –
 - Freshman on track
 - Homeless
 - Graduation/Completion & Diploma type
- Discipline incidents - suspensions and expulsions for offenses including (but not limited too) weapons, drugs, violent acts, violation of school rules, alcohol, tobacco, etc.

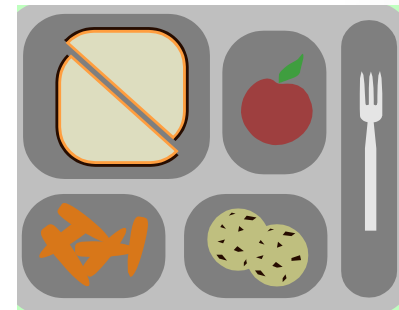


English Learner Data

- Collected only for students learning the English language
 - Date student was identified as an English learner
 - Date student became proficient in English
 - English language instructional program
 - Core content instructional support provided
 - Status as an English learner (first year identified, continuing in program, exited as proficient, parent waived services)

Free & Reduced Lunch Data

- Only collected for students applying for free & reduced lunch
- Individual data not used outside of the school lunch program
- Schools collect the following data:
 - Family name & address
 - Number of people in the household
 - Family income data
- Free & reduced lunch data is not attached to the student's record at ODE
- Only de-identified, aggregate data is used outside of the Free & Reduced Lunch Program



Direct Certification for Free & Reduced Lunch

- Affects only students who are receiving eligible services such as temporary assistance for needy families (TANF) from the Department of Human Services (DHS)
- DHS sends a file of eligible children to ODE
- ODE matches the eligible children against a list of enrolled students and certifies the matched students as eligible for free and reduced lunch
- ODE notifies school districts of eligibility

Special Education Data

- Collected only for a sub set of students receiving special education services and includes:
 - Resident & Attending District
 - Limited English Proficiency
 - Primary & Secondary Disability
 - Related Services
 - Federal Placement
 - Dates – Eligibility, Individual Education Plan, Exit
 - Additional program specific data
 - Individualized Family Service Plan, Individualized Education Plan
 - Data elements specific to a child's age & status of transition through education to independence (up to age 21)

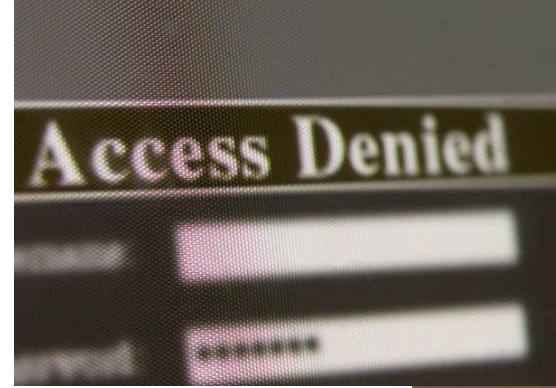
Data ODE Does Not Collect



ODE Does Not Collect

- Student Social Security Number
 - Have not collected since 2007.
 - Collect SSN on school bus drivers and child care providers for criminal background checks.
- Student Grades
 - Schools and districts maintain grade records
 - Exception – ODE retains student transcripts from private schools that close
- Medical records
 - Exception – ODE collects medical diagnosis where it specifically relates
- Financial records, bank accounts, credit information
 - Exception – Family income for free & reduced lunch program

Access to Data at ODE



- Access to student data at ODE is strictly limited
- ODE staff in education program have access as needed to conduct business to data for their specific program
 - Example – Special education program staff have access to special education student data only, not to all students, free & reduced lunch, or other non-program data
- ODE Research analysts have access to data to conduct research and answer specific questions from the Superintendent of Education, the Legislature, and others
- ODE Assessment staff have access to student test results to research and provide aggregate test results for public reporting

Access to Data cont.

- ODE technology staff have access to data as follows
 - Helpdesk – Access to student collection data for the purpose of assisting school district personnel with submission and validation of student data
 - Security Manager – Access to core student data (name, address, date of birth, school currently enrolled in) for the purpose of fulfilling public safety requests
 - Data Team – Access to databases to manage database structure

Access for Non-ODE Employees

- Under FERPA ODE can grant access to specific sets of data for outside researchers. This process is governed through the Data Governance Committee
- Every school district has a district security administrator (DSA). The DSA can grant school and district employees access to data they have submitted to ODE.
- Schools may “claim” the record of a student they are enrolling in their school from another district.



Data Protection



- ODE adheres to industry standards for protection of student data including:
- Encrypted on ODE servers
- Encrypted in transit while being submitted to ODE
- Encrypted on backup drives for security and recovery
- All ODE network is housed behind enterprise grade firewalls
- Access to data is based on each employees role and responsibility. Staff can only log in and access data to which they have permission

Data Sharing Agreements

- ODE shares data with a variety of state and federal agencies, universities, and research organizations
- The type of data shared and the handling of the data is subject to the same laws and protections, and governed by data sharing agreements
- Data sharing agreements are reviewed by the ODE Research Team, the Procurement & Contracts Office, and the Data Governance Committee

Examples of Data Sharing

- Western Oregon University, University of Oregon & Portland State University for specific work on Special Education and Early Childhood Education research and/or program delivery
- US Department of Agriculture for National Free & Reduced Lunch Program
- US Department of Education for funding purposes
- Oregon Department of Human Services for the purpose of billing specific special education and disability services to the US Department of Health & Human Services, Center for Medicare & Medicaid Services.
- Oregon Education Investment Board for research and long term planning

ODE Data & Security Policies

Number	Title	Effective Date
581-101	Handling Confidential Information	2006
581-110	Building Security	2006
581-111	Internal Audit Charter	2007
581-112	Audit Committee Charter	2007
581-116	Personally Identifiable Student Information Acceptable Use	2009
581-308	Accessing Secure Rooms Containing Test Materials	2009
581-309	Information Asset Classification	2010
581-310	Information Security Plan	2010
581-	Business Continuity Plan	2009

OR Dept. of Administrative Services Policies & Requirements

Number	Title	Date
107-004-110	Acceptable Use of State Information Assets	2010
107-004-051	Controlling Portable and Removable Storage Devices	2010
107-004-050	Information Asset Classification	2007
107-004-100	Transporting Information Assets	2008
	State Information Security Plan	2009
	State Information Security Standards	2009