

National Association of State Boards of Education

Trends in Student Data Sharing and Privacy in 2018

By Joseph Hedger

On September 13, the FBI issued a public service announcement to encourage public awareness of cyber threats affecting K-12 students, specifically those heightened by the rapid growth of education technologies and the widespread collection of student data. “Malicious use of this sensitive data could result in social engineering, bullying, tracking, identity theft, or other means for targeting children,” according to the FBI.¹ In calling for greater awareness of the potential misuses of these data, the FBI cited breaches in ed tech company security and hacked school districts.

State policymakers have long taken the threats seriously. State legislatures kept up a rapid pace of passing new laws to protect student data this year. According to the Data Quality Campaign, 42 states were considering 300 bills in 2018, and 25 states passed 59 new laws governing the collection, use, access, and protection of education data.² In 2017, 42 states introduced 183 bills and passed 53 new laws.³

In 2018, state boards of education expressed considerable interest in accountability for student data protections, including adequate training of school staff, according to NASBE’s State Board Insight data. Yet state boards also recognized the paramount importance of making sure that families and staff have ready access to information to help students. State board members in 2018 discussed improved transparency of information provided to families and staff and facilitating access to such information through data dashboards.

STUDENT DATA PROTECTION

In September, the **Arkansas State Board of Education** updated Arkansas Department of Education Rules Governing Student Permanent Records to remove outdated requirements. The changes lay out new requirements regarding districts’ maintenance of student permanent records, specifying what information must be maintained (e.g., social security number, name, address, telephone number) and describing protocols for transfer of data when a student moves to another district.

In June, the **Maryland State Board of Education** adopted amendments to state regulations on test administration and data reporting. Aimed at efficient testing procedures, the amendments require local school systems to deliver accurate, timely assessment results to parents and guardians. These amendments also direct schools to designate a local accountability coordinator and a school testing coordinator to oversee test administration, security, training, and implementation of state-mandated assessments.

In **Tennessee**, the state board approved an update to the policy manual governing state board–authorized charter schools in April 2018. They added two education policies on records retention and test security. As part of Policy 1408, the director of schools must develop a records retention schedule to ensure records are maintained in compliance with state and federal laws and regulations. This schedule ensures charter schools adhere to uniform rules regarding data use. Policy 4701 requires the state board to adopt test security procedures that lay out expectations for charter schools authorized by the state board. These test security procedures include training for all personnel involved in testing, implementing inventory verification procedures for all paper-modified passages, maintaining

confidentiality of student-specific demographic information collected for accountability purposes and test results, and reporting potential breaches of testing security, among other detailed processes.

In October, the **Utah State Board of Education** approved amendments to Rule 277-487: Public School Data Confidentiality and Disclosure, wherein new definitions were added for education technology and data terms, and changes were made throughout, adding a new section on retention of student data.⁴ This section details protocols on classifying student data, making changes, and following and creating a retention schedule, which clears up confusion on the amount of time that can pass before one disposes of student data.

DATA TRANSPARENCY

The Every Student Succeeds Act (ESSA) requires both state and local districts to prepare and widely disseminate annual school report cards, which must be developed along with parents, concise and easily accessible, provided in language that parents can understand, and posted annually on state and local agency websites.⁵ Based on a survey by the Data Quality Campaign, 91 percent of parents said they would use data about school performance to make decisions related to their child’s education.⁶ Alongside these report cards are also data dashboards, which provide information and resources for parents, educators, and the community on what data are being gathered and for what purposes. A majority of states’ ESSA plans indicated they will use such a dashboard to display information about schoolwide performance.⁷

The **Michigan State Board of Education** saw the launch of a new Parent Dashboard for School Transparency in January 2018. It gives parents and other stakeholders access to student-to-staff ratios, school attendance, school assessment scores, and college-credit or career-tech programs when they type in a district, city, or school name. It also includes how-to videos on finding a student’s school, viewing data,

sorting by student groups, and using key performance indicators.⁸

To facilitate better access to education-related information, **Nebraska** transitioned its school districts from the Nebraska Student and Staff Record System to the Advanced Data Views Improving Student Educational Response (ADVISED) dashboard, a web-based view of student and staff data to help educators personalize instruction and make data-driven decisions. Some features of ADVISED include consolidated, integrated data; daily updates of student profiles; organization of students participating in each program; and easy access to each student's contact information as well as historical course and assessment performance. It also highlights positive trends and flags negative trends and provides an early warning system and intervention catalog.⁹

The Utah board created a metadata dictionary, which provides a complete list of collected student data elements, including how data are used, stored, and shared. Anyone can search this database using one of two categories: data recipients or data elements. The data recipients tab lists each outside education organization or company that has access to student data within a district. By clicking on a name, the user can see which data elements the recipient can access and why. The data elements tab works the same way, but it categorizes recipient names and information under elements such as "date of birth" or "ACT score." Though the metadata dictionary does not provide access to specific data, it enables parents, guardians, and community members to easily find how school districts and education organizations use student data. This effort helps ensure alignment with Utah Senate Bills 102, called the Utah Student Privacy Act, and 163, Student Information Amendments, which confirm that every employee with access to educational records must complete training on student privacy laws and that no third-party contractor can use student data for targeted advertising.¹⁰

CONCLUSION

According to the National Forum on Education Statistics, state boards of education can play an active hand in student data privacy and use if they "recommend and adopt

statewide education policies and provide guidance in adhering to privacy laws enacted by state legislatures."¹¹ As the examples of state board activity make clear, such actions may encompass changing outdated policies, creating leadership positions in student data protection, enacting efficient data-use rules, and creating effective data systems and dashboards.

State boards also look for ways, including through the appropriate use of education technology, to make sure each student receives an excellent education. Good practices for student use of technology help elevate the educational experiences of all students, according to the National Center for Education Statistics. Digital learning includes student access to online databases and the use of student data and information to personalize learning.¹² As technology use grows and evolves, state boards of education will need to keep abreast of the changes and ensure that student data privacy and data usage practices are continually on their agendas and in their discussions.

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NOTES

1 Federal Bureau of Investigation, "Education Technologies: Data Collection and Unsecured Systems Could Pose Risks to Students," public service announcement I-091318-PSA (Washington, DC: U.S. Department of Justice, September 13, 2018).

2 Data Quality Campaign, "Education Data Legislation Review: 2018 State Activity" (Washington, DC, October 2018).

3 Data Quality Campaign, "Education Data Legislation Review: 2017 State Activity" (Washington, DC, September 2017).

4 Utah State Board of Education, R277-487. Public School Data Confidentiality and Disclosure, *Utah State Bulletin* 2018, no. 21 (Salt Lake City: Office of Administrative Rules, November 1, 2018).

5 Center for Parent Information & Resources, "Annual State and Local Report Cards: ESSA Fact Sheet" (Newark, NJ, May 2018), <https://www.parentcenterhub.org/report-cards-essa-fact-sheet/>.

6 Data Quality Campaign, "Show Me the Data, 2017," website (2017), <https://dataqualitycampaign.org/showmethedata/>.

7 Daarel Burnette II, "ESSA Brings User-Friendly Makeover of State Report Cards," *Education Week* 37, no. 10 (2017).

8 Michigan Department of Education, "State Unveils New Parent Dashboard," press release (Lansing, MI, 2018).

9 Nebraska Department of Education, "ADVISED Dashboard" webpage (Lincoln, NE, N.d.), <https://www.education.ne.gov/dataservices/education-data-systems/adviser-dashboard/>.

10 Utah State Board of Education, "Webinar 4: Introduction to the Metadata Dictionary," webinar (Salt Lake City: May 3, 2017).

11 National Forum on Education Statistics, "Forum Guide to Education Data Privacy" (Washington, DC: National Center for Education Statistics, 2016).

12 National Center for Education Statistics, "Student Access to Digital Learning Resources Outside of the Classroom" (Washington, DC: U.S. Department of Education, April 2018), <https://nces.ed.gov/pubs2017/2017098/index.asp>.