Protecting Privacy in Connected Learning

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Transforming Education Through Visionary Technology Leadership

• About CoSN:
  – Premier professional association for K-12 school system education and technology leaders
  – Providing management, community building, and advocacy tools you need to succeed
  – Representing over 13 million students in school districts nationwide
  – Empowering educational leaders to create and grow engaging learning environments
Student Data Privacy

• Why is protecting the privacy of student data important?
• What does it take to protect student data privacy?
• How do we ease concerns of parents and other community stakeholders?
• CoSN tools and resources
64% of education IT Leaders said concerns around privacy and security are more important than they were last year.

90% of respondents expect their instructional materials to be at least 50% digital within the next three years.

- CoSN 2016 IT Leadership Survey
What’s Driving the Concern?

• Security requirements
• Privacy laws
• Third party relationships
• Parents and other community stakeholders
Scaling past data breaches

Yahoo’s data breach affected about 500 million accounts, making it the largest breach on record.

- Sony Pictures 47,000 2014
- Ashley Madison 37 million 2015
- The Home Depot 56 million 2014
- TJX Companies 100 million 2007
- Heartland Payment Systems 130 million 2009
- eBay 145 million 2014
- Myspace 360 million May 31
- Yahoo 500 million Sept. 22

Note: Dates are when officials confirmed a data breach occurred.

Sources: Privacy Rights Clearinghouse, news reports

CHRIS ALCANTARA/THE WASHINGTON POST
Protecting data from unauthorized access:

- Human error
- Hacking
- Ransomware
- Malware
- Lost or stolen equipment

Requires costly and complex security infrastructure:

- Specific security expertise
- Measured against standards
- Increase protections with increasing sensitivity of the data
- Constant monitoring, threat mitigation and improvement

security.org/privacy
Security

✓ The time to compromise is almost always days or less, if not minutes or less.

- 2016 Data Breach Investigations Report (Verizon)

✓ “If you’ve got computers and you’re on the web and you’re online, you’re going to have to spend money to protect that.”

- Wichita School Board Member Lynn Rogers, explaining request for up to $2MM for cybersecurity
Many school forms require personal and, sometimes, sensitive information…

Your child’s personal information is protected by law. Asking schools and other organizations to safeguard your child’s information can help minimize your child’s risk of identity theft.

- Federal Trade Commission
What data is collected and how it is used and handled:

- Legal and ethical limitations on collection, use and handling of student personal information
- Federal and state laws regulate the privacy of student data
- School systems are responsible for vendor data privacy behavior

Requires complex governance framework and enforceable policies and practices:

- Specific privacy expertise
- Develop standards aligning with legal requirements and community norms
- Limit data access
- Enforce parent rights
- Exhibit transparency
- Minimize data collection
- Regular training, reassessment and improvement

cosn.org/privacy
Federal Privacy Laws

• US Department of Education:
  – FERPA (Family Educational Rights & Privacy Act)
  – PPRA (Protection of Pupil Rights Amendment)

• Federal Trade Commission:
  – COPPA (Children’s Online Privacy Protection Act)

• US Department of Health & Human Services
  – HIPAA (Health Insurance Portability & Accountability Act)
3 Privacy Laws Simplified

• **FERPA** – Parents have a right to receive a copy of their child’s education record and request correction of certain information.

• **PPRA** – Parents have a right to review and opt their child out of surveys involving questions on sensitive subjects.

• **COPPA** – Online service providers must obtain verifiable parental consent before collecting personal information from children under 13.
National Cyber Security Alliance: 
*Perceptions of Privacy Online and in the Digitally Connected World*

87% of individuals concerned their data is shared without their knowledge/consent.

66% of Americans would accept less personalized content/fewer discounts to keep their personal information private.

**Health insurance providers and banking/investment companies** most trusted entities, yet only were rated at 56 and 57 respectively (out of 100).

**Early adopters** of technology are generally more trusting of all entities.
Attitudes About Privacy

Benenson Strategy Group - 800 telephone interviews with registered voters nationwide for Common Sense Media Student Privacy Survey

- Overwhelmingly adults said:
  - Are concerned how private companies with non-educational interests are able to access and use students' personal information
  - Would support various proposals regulating how student data is used
  - Don't know enough about how their schools currently collect, use, store and destroy students' data, such as social security numbers, grades, behavior, and attendance records.
  - 86% of adults said “Protecting children's safety and personal information should be priority number one.
Examining the Student Data Privacy Landscape in 2016

States continue to build on their efforts and introduce laws to protect student data privacy.
Student Data Privacy Landscape in 2016

✓ Student information getting regulatory makeover on massive scale. Legislatures in 38 states considered 185 bills on student data privacy this year. Many with stricter language protections for students, according to policy update report from the National Association of State Boards of Education (NASBE).

✓ Majority of bills govern online school providers, increase transparency in state & local student data management & add data protection responsibilities to school districts, according to September analysis from Data Quality Campaign

✓ Lawmakers in 15 states approved 19 bills this year, slightly down from a high of 28 in 2015.

✓ With the exception of Vermont, every state and District of Columbia has at least introduced student data privacy legislation. Three states — Arizona, Hawaii and Pennsylvania — passed first law on the topic this year - Data Quality Campaign's analysis.
Data Quality Campaign

Student Data Privacy Legislation
A Summary of 2016 State Legislation

https://tinyurl.com/studentdata2016
Data Quality Campaign

Looking Ahead to 2017

What to expect next session?

States will:

• Address the role of third-party service providers.
• Amend existing privacy laws and focus on their unique state contexts.
• Explore student privacy issues beyond the education record.
• Turn attention to ESSA, and the number of bills narrowly focused on privacy will decrease.
Laws control the lesser man...
Right conduct controls the greater one.

- Mark Twain
Parent Concerns

• Lack of understanding of the benefits of technology or how it works
• Fear that schools are not maintaining control over the data
• Concern that vendors have access to too much data
• Questions about why data is collected and how it is protected and managed
Concerns over privacy could threaten the use of technology in schools.
Louisiana Data Privacy Laws

- Required State Department of Education to create an anonymous identifier system by May 1, 2015 that does not use students' Social Security numbers,
- State will no longer be able to access students' names, date and place of birth, Social Security number, mother's maiden name, and other information to use for assessment and accountability purposes.
- Strictest law in the country, the offender faces up to a $10,000 fine or three years in prison, or both – school employees are personally liable.
- Biggest problem school administrators have had is not parents saying 'no,' it's parent's not returning the form. That's an automatic denial.
Main concern of supporters was the Common Core and InBloom.

Out of state and secondary sharing – especially commercial sharing.

Limits on student identifiable data.

Data security a concern.

Greatest concern about LDOE data use.

Legislative author wanted parental permission for any use of data.
Louisiana Act 677 - 2014

• Requires school boards to post information regarding the transfer of students’ personally identifiable information (PII) to private entities who provide student and other educational services to the School Board.

• Links on district webpage must identify the entities with whom the board has contracts or relationships, pursuant to which, PII is transferred.

• Website much have the name of each entity, a copy of the written contract or agreement between the School Board and the entity, including an addendum added to address the requirements of ACT 837 of the 2014 Legislative session.
Understand Your Responsibilities

- Protecting the privacy and security of student data is part of every school system’s fundamental responsibility to protect students from harm.
- Responsibility for bringing appropriate technology into the school system is yours.
Data: Risks and Rewards

- Customized and adaptive learning
- Operational efficiencies
- Early intervention
- Easier to understand what, when and how students learn

- High-value data
- Costly security breaches
- Rising rates of identity theft in children
- Complex compliance requirements
Privacy Begins With Leadership

A school system cannot successfully protect its students without appropriate and informed leadership setting expectations and championing the efforts.
Contrary to what most people believe, trust is not some soft, illusive quality that you either have or you don’t; rather trust is a pragmatic, tangible, actionable asset that you can create.

Stephen M. R. Covey
Setting the Stage for Success

CoSN informs, guides and helps you manage your student data privacy efforts.
Creating the Framework

CoSN and Data Quality Campaign led a coalition of national stakeholders in determining a set of fundamental beliefs for using and protecting student data to guide the work of the education community.
These beliefs are widely shared by the education community.
Student Data Principles: How to Use the Data

1. Student data should be used to further support student learning and success.

2. Student data are most powerful when used for continuous improvement and personalizing student learning.

3. Use student data to inform, engage and empower students, families and school system leaders.

4. Provide students, families and educators with timely access to information collected about the student.

5. Use student data to inform and not replace the professional judgment of educators.
Student Data Principles: Working with Technology Providers

6. Share students’ personal information only under terms or agreement for legitimate educational purposes; or obtain necessary parent consent. Implement policies to oversee this process.

7. Provide clear, publicly available rules and guidelines for how you and your service providers collect, use, safeguard, and destroy data.

8. Collect and provide access only to the minimum student data required to support student success.
9. Everyone who has access to students’ personal information should be trained and know how to effectively and ethically use, protect, and secure it.
Student Data Principles: Privacy and Security Framework

10. Have a system of governance that includes:

- **Rules**, procedures, and the individual or group responsible for authorizing data collection, use, access, sharing, and security, and use of online educational programs;

- **Policy for notification** of any misuse or breach of information and available remedies;

- **Security process** that follows widely accepted industry best practices;

- **Designated place or contact** where students and families can go to get informed about their rights your data privacy and security practices.
Anyone who has access to students’ personal information should adhere to and build upon these 10 principles.

Stay Updated!

StudentDataPrinciples.Org
Moving Beyond the Framework

Building trust:

• Know your legal and ethical responsibilities

• Take responsibility for bringing appropriate technology into your school system

• Provide proper education and training to students, parents and employees

• Demonstrate your competency around student data privacy and security

• Be transparent with your employees, parents and students

• Continuously examine and improve your governance program
Demonstrating your competence and commitment to student data privacy and security.

trustedlearning.org
Trusted Learning Environment Seal Program

A mark of distinction for school systems, signaling that they have taken specific, measurable steps to help ensure the privacy of student data.
Trusted Learning Environment Program

Created in collaboration with 28 school systems, with support from lead partners…

Additional partners…

trustedlearning.org
Why is the TLE Seal Program Important?

21st century classroom and personalized learning

Concerns about data privacy and security
How Does the TLE Seal Work?

- Evidence
- Application
- Assessment
- Feedback

Open to school systems of all governance structures; public, private, charter and parochial.
Trusted Learning Environment Program
Requirements

- Leadership
- Business
- Data Security
- Classroom
- Professional Development
What Does it Take to Earn the TLE Seal?

- Trusted Learning Environment
- TLE Practice Elements
- Legal Compliance
- Ongoing Improvement

trustedlearning.org
What Does Each Practice Entail?

1. **Leadership:** manage and collaborate on use and governance of student data
2. **Business:** establish acquisition vetting processes and contracts to address laws while supporting innovation
3. **Data Security:** audit data privacy and security practices and publicly detail these measures
4. **Professional Development:** conduct privacy and security training, available to all stakeholders
5. **Classroom:** ensure transparency with parents and students while advancing curricular goals
Meaning of TLE Seal

• Demonstrates adherence to publicly available standards around 5 core privacy practice areas.
• Signifies your commitment to student data privacy.
Meet Our TLE Seal Recipients

Butler County (AL) Schools
Cambridge (MA) Public Schools
Denver (CO) Public Schools
Fulton County (GA) Schools
Lewisville (TX) Independent School District
Miami-Dade (FL) County Public Schools
Raytown (MO) Quality Schools

Demonstrating a strong, measurable, public commitment to student data privacy and building trust in their communities.
Build Your Competencies and Trust in Your Community

- Overwhelming positive national and local press celebrating TLE Seal recipients:
  - 7 Districts Win Trusted Learning Environment Seal for Data Privacy Commitments - Education Dive
  - Schools Earn National Privacy Designation - eSchool News
  - TLE Seal of Privacy: Building a ‘Trusted Learning Environment’ - THE Journal
  - Small Missouri School District Thinks Big About Privacy and Security - EdScoop
  - Fulton County Schools Honored for Learning Environment - MDJOnline.com
For More Information and to Apply: TrustedLearning.org
Protecting Privacy in Connected Learning
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START

If you choose to handle the service internally, make sure you have the resources, ability, and capacity to implement appropriate security protocols to protect student data.

Should your School System handle the service internally?

YES

REMEMBER: The definition of education record is not as clear-cut as you'd expect.
See definitions and Attachment #1.

Will your School System disclose or share education records of students with the provider?
See Step 2.

NO

Assess both of the following:

REMEMBER: The definition of personal information under COPPA is different than PII under FERPA.
See definitions.

Is your provider collecting personal information from students under the age of 13?

YES

Your School System and the provider must comply with parental consent requirements.
See Step 3.

NO

Ensure that provider has appropriate security protocols in place to properly protect the privacy of student information.
See Step 2.

Your School System must comply with parental consent requirements.
See Step 3.
Contract Terms

• Contract Scope
• Purpose
• Data Collection, Use and Transmission
• Data Security
• Data Retention and Disposal
• Bankruptcy or Acquisition
• Service Levels and Support
• Governing law and jurisdiction
• Modification, Duration, and Termination Provisions
• Liability

*Endorsed by The Association of School Business Officials International*
Security Questions to Ask an Online Service Provider

- Data Collection
- Network Operations Center Management and Security
- Data Storage and Data Access
- Data and Metadata Retention
- Development and Change Management Process
- Availability
- Audits and Standards
- Test and Development Environments
- Data Breach, Incident Investigation and Response
Connect with parents: 2-page, customizable infographic available in English & English-Spanish.
Privacy Resources

- CoSN’s Protecting Privacy in Connected Learning  [www.cosn.org/privacy](http://www.cosn.org/privacy)
- Data Quality Campaign  [www.dataqualitycampaign.org](http://www.dataqualitycampaign.org)
- Developed by The Future of Privacy Forum  [www.ferpasherpa.org/](http://www.ferpasherpa.org/)
- National Cyber Security Alliance  [StaySafeOnline.org](http://StaySafeOnline.org)
- US Dept of Ed – Protecting Student Data Training Video  [https://www.youtube.com/watch?v=deo2F19DK_o](https://www.youtube.com/watch?v=deo2F19DK_o)
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