

Data & Privacy Advisory Council
Meeting Minutes
August 29, 2016

Attendees

- Jeff Kitching – Council Chair
- Doug Casey, CET

- Brian Kelly — Quinnipiac University
- Bethany Silver — Bloomfield Public Schools
- Michael Swaine — Gaggle

Agenda

- 1) Public Act 189 Overview and Updates
 - Toolkit Thanks and Feedback
 - September 8 Forum
- 2) Software and Privacy Management Solutions
 - BrightBytes
 - Education Framework
 - LearnTrials
 - Student Data Privacy Consortium
- 3) District Resource Needs and Prioritization
 - Training
 - Process and Governance (Leadership)

Meeting Notes

NOTE: The points below represent an assimilation of ideas rather than a verbatim or chronological record of points shared.

Data Privacy Forum

- The group discussed the upcoming Forum sponsored by the Connecticut State Department of Education (SDE) and featuring Amelia Vance of the National Association of School Boards of Education. Laura Anastasio will also provide an overview of PA 16-189. Ajit Gopalakrishnan, the SDE's Chief Performance Officer, is hosting the event and has asked Doug to speak about the impact of the law

on school districts. Doug continues to gather input from districts, which he will share with the audience on September 8.

Updates on Public Act 189

- The group discussed ways to continue helping districts prepare for compliance with the new law. General discussions concentrated on district leadership and process issues as well as technology solutions to support compliance.
- Questions remain about the specific notification requirements of the law, as Michael Swaine shared some of the questions he has received from districts. For example, does compliance mean sending out a single notice of new or updated contracts to students and families, or do districts need to send individual notifications for each change or addition. Concerns are emerging that parents will start to ignore all communications from districts, thereby undermining the impact of time-sensitive announcements such as open houses, school closings, or even lockdowns.
- Process and workflow remain key to any district compliance effort. Doug used the sinking boat metaphor, whereby you plug the hole first, then start bailing. In this case, plugging the hole means having a sensible, supportable process for reviewing educational technology needs and procurement. Educators and staff should understand the protocols for requesting, reviewing, and obtaining software in general, and especially programs and apps that manage sensitive student data.
- Communications have become a key concern in school districts, with many developing standard e-mail and automated phone messages detailing the specifics of new and updated software usage terms that relate to student data storage, access, and use. Schools are also assigning leadership roles, such as privacy and security officer, to individuals and developing communication templates to send in the case of software data breaches (48-hour notification requirement).
- As Brian Kelly confirmed, most higher education institutions are far ahead of K – 12 institutions in these matters. He made the distinction between the student data he is obliged to protect versus the data that individual students should concern themselves with (e.g., cloud storage, social media, etc.). Higher education resources include communication templates and training offered through Educause (e.g., spaces.internet2.edu/display/2014infosecurityguide).
- Another challenge that districts face is conducting an accurate inventory of the software in use in their schools and the amount of student data stored and exchanged through this software. Michael offered the example of one district with more than 650 unique apps in use, and Doug has had direct experience in managing a district edtech “store” of more than 400 apps. Districts need to understand what software is in use, the data footprint it contains (e.g., de-identified student data, directory-level data, sensitive data, etc.), and the terms that underlie the use of this software. A list of technology tools (e.g., Google Apps plugin inventory, LAN Manager, etc.) would help technology directors identify software usage. However, leadership teams need to conduct a deeper

investigation on usage, in that network traffic can only point to usage (e.g., an unpaid pilot) rather than instances where teachers and leaders have engaged and brokered agreements with edtech providers. Key in this area is collaboration among technology, curriculum, and student services leads.

Best Practices Frameworks

- The Data Privacy Toolkit (www.bit.ly/189Toolkit) that the Data & Privacy Advisory Council developed includes a number of links to resources districts should find valuable. One that members of the August 29 meeting found particularly useful was the Consortium of School Networking (CoSN) Trusted Learning Environment framework (www.trustedlearning.org), which covers five areas:
 - Leadership Practice: manage and collaborate with stakeholders regarding the use and governance of student data to inform instruction
 - Classroom Practice: implement educational procedures and processes to ensure transparency while advancing curricular goals
 - Data Security Practice: perform regular audits of data privacy and security practices and publicly detail these measures
 - Business Practice: establish acquisition vetting processes and contracts that, at minimum, address applicable compliance laws while supporting innovation
 - Professional Development Practice: require school staff to conduct privacy and security training and offer the instruction to all stakeholders
- Bethany Silver pointed to the utility of the Advisory Council developing a progression or maturity model, perhaps with three levels. The first would be time-sensitive and critical steps a district should take (e.g., identifying leadership roles and breach protocols), the second would cover software inventory and review, and the third would reflect ongoing compliance and a culture of shared responsibility in stewarding and protecting student data. (See the NCES guide at <https://nces.ed.gov/pubs2005/2005801.pdf>, developed in 2004 but still relevant.) She also suggested some program to identify and celebrate best practices that districts have developed and follow to encourage compliance. The group agreed that following a standard framework and best practices would benefit any district facing a breach or other public relations challenge. Communicating to the greater community and press that district leaders have adopted and follow best practices would help to diffuse criticism in almost any situation.

Technology Tools

- The group discussed some of the technology tools that districts may want to leverage to protect student data and support effective communications. Doug mentioned the framework that BrightBytes offers as a paid service, similar to the CoSN TLE framework.
- Education Framework CEO Jim Onstad has offered significant discounts on the use of his software, which helps districts manage their software holdings and automate communications with parents about contractual changes.

- Doug mentioned LearnTrials as a platform for sharing qualitative and quantitative feedback on the efficacy of educational technology products. The ~\$90 per school per month pricing model seemed too high for the members in attendance August 25. Jeff Kitching mentioned a product named Branching Minds that provides data dashboards on student learning, ties learning needs to digital materials, and points to the efficacy of ed tech tools.
- The former Schools Interoperability Framework Association (SIFA) has become Access 4 Learning and has launched a national initiative around student data privacy. Their Student Data Privacy Consortium (privacy.a4l.org) platform allows states such as Massachusetts to launch searchable databases of software by compliance with state data privacy laws and by districts that have implemented ed tech products. Doug mentioned this platform and offered a brief demo of the database at <https://secure2.cpsd.us/mspa/search.php>. Doug has spoken with the Access 4 All team about an implementation in Connecticut, and they stand ready to continue discussions and scope a solution.
- Bethany Silver suggested that we look at other tools as possible storehouses of terms to support compliance. The Smarter Balanced Digital Library, for example, already houses exemplar materials tied to Connecticut Core standards and could possibly house information about software and apps that support teaching and learning.
- Doug has approached and met with the Department of Administrative Services (DAS) procurement team of Carol Wilson, Rachel Whitesell, and Joe Giliberto to bring under state contract some of the major educational technology tools in use within Connecticut schools. He has connected representatives from PowerSchool and Google to the DAS team, with negotiations taking place to establish a single contract for each with data privacy terms that would comply with PA 189. Districts could then purchase under this agreement, with any modifications to data terms taking place in one place, and all districts maintaining contractual compliance by purchasing under this agreement.
- Looking at other programs that districts use heavily and that contain sensitive student data, Doug has gathered data from schools through a survey that asks them to rank the value of having other programs under state contract. More than 30 districts have responded to the survey, which asks respondents to offer the names of software they use and the priority with which they would like these titles covered under state contract. Results of this survey will inform the next phase of contract negotiations through the DAS team.