

Arizona Data Governance Commission

Minutes of the meeting
Friday, January 17, 2014
Arizona Department of Education
Conference Room 409
10:00 AM

Members Present

Elliott Hibbs (Chair)	Michele Norin (V-Chair) (<i>phone</i>)	Dean Farar
Gordon Wishon	Jeffery Billings (<i>phone</i>)	Rod Lenniger
Patrick Burns	Fred Estrella	Josh Allen
Aaron Sandeen	Aaron Hale (<i>phone</i>)	

Members Not Present

Rick Krug
Rick Ogston
Fred Estrella
Edward Kelty

Staff

Chris Kotterman, Deputy Director of Policy Development and Government Relations, ADE
Aiden Fleming, Legislative Associate, ADE
Mark Masterson, Chief Information Officer, ADE
Ed Jung, Chief Technology Officer, ADE

Welcome and Introduction

Chairman Hibbs called the meeting to order at 10:05 a.m. Minutes from meeting on November 23, 2013 were approved. Dr. Rebecca Bolnick was introduced as Arizona Department of Education's new Chief Data Officer.

Presentation by Chris Kotterman: DGC Annual Report Review

Chris Kotterman, Deputy Director of Policy Development and Government Relations, gave a presentation of the current draft of the Data Governance Commission's 2013 Annual Report. The Commission is required by statute to produce this report. The Annual Report contains the Commission's duties as outlined by statute, 2013 highlights, 2013 Commission Directives, and FY2014 Budget Recommendations.

Chairman Hibbs inquired whether the report had been distributed to the Governor's office, House or Senate yet. Mr. Kotterman assured Chairman Hibbs the report will only be distributed after the Commission's approval.

Mr. Sandeen inquired whether the HS Transcript Pilot was still scheduled for rollout in April 2014. Mr. Kotterman confirmed after consulting with the project manager in the room the pilot is still on track for April roll out.

Chairman Hibbs motioned to hold off on approval of the report to give the Commission a chance to read it over more thoroughly. In the meantime, all revisions should be sent to Mr. Fleming or Mr. Kotterman.

Presentation by Ed Jung: 2014 DGC Action Items

Ed Jung, Chief Technology Officer, gave a presentation to outline what the upcoming year looks like for the Data Governance Commission. This includes a focus on high-priority policy initiatives like data privacy, technology capability requirements for the AELAS roll out and publication of standard and ad hoc reports for state and local level use on student achievement. Other action items for the year include the FY15 funding request, student-level data privacy and data system legislation.

Chairman Hibbs stated that while these action items are focused around AELAS, the Commission is required to govern more than just AELAS. He would like to see a broader scope for the Commission. Mr. Jung replied that there is certainly an opportunity to do so, but close-term needs fall under AELAS- though some AELAS sectors cross over to other program areas. Chairman Hibbs suggested a change in language for the future to include a larger scope as the members of the Commission want to provide broader opinions within education.

Mr. Wishon expressed his concern with policy language in regards to the extent of oversight the Commission has. He wanted to ensure the Commission was not overstepping already existing university or community college data security and privacy policies. Mr. Wishon suggested a change in policy or even statute to clarify the scope of Commission policies. Mr. Fleming responded that the Commission is responsible to give recommendations and does not necessarily drive policy. He added the recommendations are not necessarily for universities, but more for ADE. Mr. Wishon continued that the Commission is responsible for more than just ADE by statute and he would like to double check that the Commission will not supersede the constitutional powers of the Arizona Board of Regents. Mr. Fleming added in response that the Commission's power to create guidelines or recommendations is different than the actual legislative powers for universities to create policy. Mr. Wishon concluded with a request for the legislative staff to investigate further.

Mr. Farar inquired whether the Commission and its policy team can use policies that are already established to make the process less burdensome. Mr. Fleming responded that the team has already been looking to existing policy to guide them. He added that he is trying to avoid "reinventing the wheel" by getting the policy team's house in order. Mr. Fleming concluded by mentioning the establishment of a new Data Security Officer (Dr. Rebecca Bolnik) should be helpful.

Chairman Hibbs stated the Commission has the power to make guidelines, but it cannot force anyone to adopt them. He added there are growing pains between the Commission and post-secondary education, and he hopes that as people use more advanced technology they will adopt the Commission's policies.

Mr. Sandeen would like to see this conversation continued; the audit has shown many issues with privacy and security. There will be a definite value for the Commission to develop those policies. Mr. Sandeen explained his concern is motivated by a need to set policies before more things are compromised. Chairman Hibbs responded that the legal team guides the privacy policy which does not make the process easier, but more definitive. Technological guidelines are where things get "squishy". Mr. Sandeen suggested the Commission bring in Arizona's Chief Information Security Officer to help with policy examples as he has worked at many national standards and can give the Commission insight on how to enforce the policy or create a roadmap for the future.

Mr. Kotterman explained that ADE has the authorization to subscribe AELAS standards, but has chosen to run them through the Commission. He added the proper role for the Commission is to work cooperatively with the Arizona Board of Regents.

Mr. Billings added that he is not sure if the board is willing to tell post-secondary or K-12 "here is your medicine, now take it." Mr. Kotterman responded that the Commission has more latitude with K-12 as opposed to post-secondary because of the Board of Regent's power. He added the challenge of the Commission is to prescribe what institutions need with their cooperation. It's a great start with a narrow scope because that is the platform that the Commission can affect change immediately.

Mr. Sandeen asked Mr. Wishon whether or not the Board of Regents has the authority to mandate policies. Mr. Wishon responded that the Board does have power to mandate policies for the universities, and that is where the point of conflict is. Mr. Wishon added that, no matter the Board's nor Commission's opinion on data policy, he does not want to create a constitutional crisis.

Mr. Fleming suggested the creation of a task force to identify the gaps across K-12 in order to take apart issues to be looked at by the legislator. Mr. Wishon agreed that a group of information officers in the education industry would be productive to share and collaborate.

Presentation by Ed Jung: Web Browser Policy

Mr. Ed Jung also gave a presentation on a proposal for a new policy outlining which web browsers and versions are compatible for ADE-developed applications (new and legacy), all end-users of ADE web-based applications and ADE procured applications. Potentially falling under A.R.S. §15-249.01(C)(1)(b) "*Establish guidelines related to technology*" the policy would allow ADE to develop and deploy modern and secure web-based applications. The supported browsers include Internet Explorer Versions 11, 10 and 9, Safari 7.0.1, 6.11 and 5.1.10 and Chrome 32, 31 and 30.

Mr. Burns opened discussion by stating the policy does not seem to speak to the developers of applications. He added it is very difficult to control what the end user is going to use with the advancement of tablets, droids, etc. Mr. Burns would like to the applications built future proof with

advancements in mind. Mr. Jung responded that the Agency is currently taking the idea of future proofing into development, but this policy will help the applications become future proof for now.

Mr. Wishon stated he agreed that web browser standards need to be set, but a concern that the Commission is the right group to address with this task. He also stated this policy will have to be updated constantly with the ever-changing web browser versions. Mr. Wishon also expressed his concern that he is not technologically educated enough to say whether this is a good or bad idea. He would like to see a Commission policy that charges the Department with making policies like such.

Mr. Jung explained the Department's intent is not to have technical elements in the policy. The Department would like an example of requiring certain qualifications for the support of these technologies and applications. This would enable us to have test plans for the applications, which we do not have currently.

Mr. Billings expressed that getting into specifics worries him because so many districts are moving to tablets and other devices not yet defined. He always appreciates letting the end-users have a choice but in order to be effective, the Commission has to adapt to what users want. The Commission should be using industry standards. He questions the wisdom of the Commission's involvement in these types of discussions.

Ms. Norin I suggested breaking the policy apart. The Commission should keep it high level as a policy then take the specifics and push those into standards. This will ensure the things that frequently change do not have to go through the long approval process.

Mr. Kotterman stated that he is hearing consensus among the members. The number one goal is transparency; what is going to work for end users? He added the Department understands the conversation about concern for mobile apps and tablets and the object is to have somewhere for the LEAs to model their standards after when the time comes.

Mr. Sandeen expressed that having a roadmap is critical. He asked if the Department had pulled statistics on the browser types of current end users.

Mr. Masterson clarified that it comes down to HTML 5 from ITAX. He stated the Department supports present technology, but simply does not have the funding to be completely future proof. He stated the Department wants to be able to tell end users during ADEConnect rollout, "these are the browsers that work, and these are their standards." He stated end users do not have to adapt, but they will need the newer browsers for the dashboards. He concluded by stating once this is done, the Department can begin to build better security for teachers, users, and students.

Mr. Billings suggested the Commission use the same method of issuing standards as previously used with the roll out of PARC.

Mr. Jung stated the technology supporting PARCC and AELAS are very different. He continued that with PARCC, the intent was to allow the vendors to set the standards and the LEAs would follow. In the AELAS case, ADE is the vendor. The Department intends to have policies along these lines for the public to understand the standards and report problems with LEA access to the applications. Mr. Jung concluded

that with the exclusion of the specifics, it should still be reviewed to determine if it is a reasonable approach for the Agency.

Mr. Kotterman thanked the Commission for their helpful discussion and suggested the Commission table the policy if not act on it.

Policy Discussion by Chris Kotterman: Elements of Student Privacy 2.0

Chris Kotterman, Deputy Director of Policy Development and Government Relations for ADE, gave a presentation on a new version of the proposed Data Governance Commission Student Data Privacy Policy.

Chairman Hibbs opened discussion by mentioning the purpose of Mr. Kotterman's presentation is not to adopt the policy, but to provide feedback for adequacy. Mr. Kotterman confirmed that the Commission has the power to adapt the policy if it wishes to, but his purpose was to make the members familiar with the policy.

Mr. Sandeen commented that he liked the vague and large policy approach taken with this, because it gives ADE power to change the policy and bring back to the Commission. He continued by complimenting the draft and asking that the policy be broadened to encompass more. Mr. Sandeen agreed that FERPA was the center of the policy, but it could also be formed into something that will reinforce. He concluded by rating the draft overall as good, but in need of secondary policies.

Mr. Kotterman suggested that the Commission see the FERPA legislation as the privacy policy will address and comply with all federal and state requirements.

Mr. Wishon informed the Commission that he shared the privacy policy with his Security and Privacy Officer. He has concerns for a few of the provisions including making a master data dictionary public. He suggested different approaches to remedy public concern over what data is collected. One of which was a data audit to show exactly which flaws exist in the system.

Mr. Allen asked for clarification on who gets access to student level data and how the Department share this with other state agencies. Mr. Kotterman assured Mr. Allen that student level data will only be shared with another state agency once there is a legal data sharing agreement. Mr. Allen responded that he understood that part of the policy, but the description of the policy was open to interpretation that data would never leave ADE. Mr. Kotterman added that he will resolve the issue.

The Commission tabled this policy.

Chris Kotterman: Legislative Update

Chris Kotterman, Deputy Director of Policy Development and Government Relations for ADE, gave an update on the current legislative session.

Mr. Sandeen commented that he understood why the policy is vague ("more descriptive, more restrictive"), but he doesn't want the Commission to miss anything. He suggested giving the authority to ADE to avoid having a bad law. Mr. Wishon agreed. Mr. Kotterman also agreed stating that it is better to have shorter bills than long revisions.

Mr. Sandeen liked the FERPA reference and would like to see language added about ADE making policies.

Mr. Allen agreed with Mr. Kotterman and understood the need to define what the agency is collecting because of political pressure. Mr. Sandeen mentioned he also heard about the pressure and did not see

anything about the transmitting of data in the bill. Mr. Kotterman answered that encryption was originally included in the bill, but was recently taken out.

Chairman Hibbs asked the status of the bill. Mr. Kotterman reported it was on track to be introduced next week. Chairman Hibbs clarified that the bill will be introduced in the form it was presented at the meeting. Mr. Kotterman confirmed, but also stated the bill could be revised as long as it was before the bill introduction deadline.

Mr. Kotterman informed the Commission that the Governor's executive budget was released after the commission's meeting and should contain an increase in funds for data expansion. He thanked the Commission for the part they played in securing funding. Though it was a long process, he stated, it was worth it.

Mr. Estrella inquired whether universities should be mentioned in the policy when it lists those with access to student level data. Mr. Kotterman stated universities fall under "other state agencies". Mr. Estrella requested the language be added in to clarify.

Presentation by Mark Masterson: Ed-Fi Mapping Follow-Up

Mark Masterson, Chief Information Officer for ADE, gave a follow-up presentation on the Ed-Fi Mapping project. The project will provide a single source of data for all student information; eliminate duplicate data collections, and implements consistent standards-based data into ADE's system.

Mr. Sandeen asked if Mr. Masterson had notified SPO yet, as that is where most complaints or appeals will end up. Chairman Hibbs stated the complaints and appeals will only be referred to SPO if ADE cannot resolve the issue internally. Mr. Masterson expressed that he hopes this will be an easy transition.

Call to Public

No requests were received.

Adjourn

Chairman Hibbs adjourned the meeting at 11:58 am.