

Arizona Data Governance Commission

Minutes of the informational meeting

Friday, November 22, 2013

Arizona Department of Education

Conference Room 409

**Members Present**

Elliot Hibbs (Chair)

Jeffery Billings

Patrick Burns

Dean Farar

Rod Lenniger

Fred Estrella

Gordon Wishon

Edward Kelty

**Members Not Present**

Michele Norin (V-Chair)

Rick Krug

Aaron Sandeen

Josh Allen

Rick Ogston

Aaron Hale

**Staff**

Chris Kotterman, Deputy Director of Policy Development & Government Relations, ADE

Ed Jung, IT Project Manager, ADE

**Welcome and Introduction**

Chairman Hibbs called the meeting to order at 10:15 a.m. Minutes from meeting on 10/19/13 were approved.

**Introduction of New Members**

*Mr. Edward Kelty*

Mr. Edward Kelty's first setting of terms was in February 2012, and his first meeting was in August 2011.

**Term Limit Review**

The end of each member's term is as follows:

Elliott Hibbs: *August 2015*

Jeffery Billings: *August 2014*

Patrick Burns: *August 2014*

Dean Farar: *August 2014*

Rick Krug: *August 2013*

Rod Lenniger: *August 2013*

Aaron Sandeen:

Michele Norin:

Fred Estrella: *August 2014*

Gordon Wishon: *August 2013*

Josh Allen: *August 2015*

Rick Ogston: *August 2013*

Aaron Hale: *August 2013*

Edward Kelty: *August 2015*

*Josh Allen joined the meeting at 10:28 a.m.*

**Presentation by Carrie O'Brien: The Current State of Student Privacy**

Carrie O'Brien, Director of Legal for ADE, gave a presentation of the current state of student privacy as it relates to FERPA. Carrie O'Brien provided a summary of the current FERPA student privacy statutes, and clarified the definition of an education record. She indicated what specific items are considered personally identifiable information under the current statutes.

Mr. Wishon inquired whether FERPA is currently under Arizona state statute. Ms. O'Brien confirmed and noted this applies for all Arizona LEAs as all state law is trumped by federal law.

Mr. Wishon further inquired if a formal policy exists that confers the right of a student record to the state of Arizona, and if so, what situation would give the state authority over student records.

Carrie O'Brien: I will have to get back to you. The federal government conveys some authorities to state agencies.

**Policy Discussion by Chris Kotterman/ Ed Jung: Elements of Student Privacy**

Chris Kotterman, ADE Deputy Director of Policy Development and Government Relations, and Ed Jung, ADE IT Project Manager, facilitated a policy discussion on the elements of student privacy.

Mr. Hibbs inquired if a caveat exists that explicitly states we only collect federal, state required data. Mr. Kotterman replied that this is explicitly stated in statute 15.249.01 as well as SAIS statutes, but can be added to policy by reference.

Mr. Billings inquired if there is an official list of all data elements collected or if the requests are done at administrative convenience. He added there is a definite need for an identification of these elements. He also expressed he is concerned and confused with this issue. Mr. Farar expressed he has the same question; he would like to see reasoning in list form included in statute. Mr. Kotterman responded by noting that Ed Jung would be addressing this concern in a few minutes. He added that once this project is completed, it should be easy to draw the line from element to regulatory authority. Mr. Allen also expressed he has the same concerns and questions. Mr. Allen addressed from an alternative point of view that outside partner agencies cannot get data they need due to ADE's gridlock. He is worried this closes the door on requests.

Mr. Wishon also shares the same concerns but applauds ADE for addressing this issue head on. Wishon believes IT is mixing policy with procedures. He added there is an obvious obligation to protect student privacy, but ADE's clearer definition of what sensitive information is linked to information security. Mr. Wishon referenced the review board's presumption that there are data stewards, but the presence of a lack of clarity about the process. He expressed this process should be shared online. He finished by stating he would better explain in a technology statement, and would forward it to Mr. Kotterman.

In response, Mr. Kotterman indicated they should be cautious with ADE's exposure to risk in mind. Mr. Kotterman added it should be clear in policy drafting that ADE's intent is not to create policy that absolves the agency of its responsibilities.

Mr. Kotterman: We understand the need. Aggregate data doesn't happen without starting at student level. The issue is who owns that data?

Mr. Hibbs: We must first pass on the policy. The process is meant to have conversation and bring it back for discussion.

Mr. Kotterman: Correct, we will continue to make changes until the Data Governance Commission is happy.

Mr. Farar stated it is important that all members understand why they are working so hard to accomplish this. He added it is important for all members to also understand the breadth of sensitive information being requested. Mr. Kotterman, to clarify, stated the requests are mostly coming from researchers. He added there needs to be a system put into place to manage the lengthy researcher requests. Mr. Kotterman clarified there was not a uniform policy for the agency on data stewards, but ADE needs to be proactive about the issue.

Mr. Hale wanted to clarify if the researcher requests for student level data were justifiable. Mr. Kotterman explained they are nearly all academic in nature and focus on test scores. Mr. Hale then expressed that from a school's perspective, he is not comfortable with ADE releasing information as he is accountable to parents. Mr. Wishon inquired what authority ADE has to place on LEAs in this regard. Ms. O'Brien clarified that the agency uses an algorithm to scramble SAIS IDs in all released information. She added that the agency does not release any traceable information including but not limited to student names.

Mr. Billings indicated that Mr. Wishon is spot on. He also questions what gives the Data Governance Commission the authority to do this. Billings added the commission needs to secure the authority to collapse what they have and will have built up new. He added he is supportive, but concerned with the relationships. Mr. Hale agreed and expressed his biggest concern is that data is being given out by several places. Mr. Wishon added that Arizona State University has policies in place that create procedures and framework that could be helpful. Mr. Kotterman noted that he referenced statutory authority (15.249.01). Mr. Jung noted there should be an addition to the next meeting's agenda to go over the agency's policies and practices to give a comprehensive presentation on the overhauled data request process. Mr. Wishon agreed and noted the commission's interest in ADE's plans around information security.

Mr. Jung concluded the discussion by noting this is just a first draft to spur some discussion. He will take the feedback back to the drawing board. He added the main goal is a policy for ADE employees that is linked to state and LEA privacy policies.

### **Presentation by Mark Masterson: Ed-Fi Mapping Update**

Mark Masterson, Chief Information Officer at ADE, gave a presentation to update the commission on the progress that has taken place in the Ed-Fi Mapping project. Mr. Masterson began with an overview of the projects goals highlighting data improvement and efficiency. The projects main focus is identifying data collection points and mapping them to the Ed-Fi Standard.

Mr. Wishon stated that he would like to see a chart that describes a one way flow of data from LEAs to ADE. He inquired if the system will be a two way flow of information. Mr. Jung clarified that the dashboards are a one way flow of information, but there is a similar format for the information the opposite way.

Mr. Wishon inquired if the LEAs are involved in the setting of the data elements and if there are any data elements the LEAs would like to see collected. Mr. Jung confirmed the LEAs would like to see a transcript exchange and a technical specification. Mr. Wishon asked to clarify if these requests are in the Ed-Fi standard. Mr. Jung stated he is dealing with standards around data exchange.

Mr. Hibbs inquired if the dashboards have data that the LEAs are interested in seeing. Mr. Jung replied yes including the ability to extract and download data behind the scenes.

Mr. Hale inquired if Crystal like reports are available. Mr. Jung stated the agency is not ready with that kind of tool, but he agrees this needs to be available.

### **Call to Public**

No requests were received.

### **Adjourn**

Chairman Hibbs adjourned the meeting at