



Office of the



State Superintendent of Education

OSSE POLICY

Date Issued: 10/04/2011

POLICY FOR DATA ACCESS AND USE

The purpose of this policy is to establish parameters for access and use of educational data collected by the Office of the State Superintendent of Education (OSSE).

BACKGROUND

OSSE is committed to ensuring the privacy and protection of student information while also allowing disclosure in compliance with federal and District law. OSSE developed this policy to comply specifically with the following laws and their implementing regulations: Family Education Rights and Privacy Act¹ (FERPA), Health Insurance Portability and Accountability Act of 1996² (HIPAA), and Individuals with Disabilities Education Act³ (IDEA). In addition, this policy complies with all District of Columbia regulations governing for access and disclosure of student records.⁴

DATA ELEMENTS

Within its Statewide Longitudinal Educational Data System (SLED) and other databases currently in use or under construction and/or consideration, OSSE collects and maintains the following types of data:

- Enrollment
- Student Information
- Assessment
- Demographic
- Teacher qualifications
- Other program-specific data

Data is verified for accuracy, completeness, and age by OSSE staff at the time that it is received from the Local Education Agency (LEA) or school. In addition to a manual verification of the data, the system employs checks and balances to ensure that submitted data conforms to the parameters for that kind of data. Data that does not conform to the requirements for a particular field is rejected and returned to the LEA or school for re-submission.

Sensitivity of data is determined based on whether or not the data is LEA-level, school-level or student-level data. Student-level data identifies a particular student and his/her academic achievement. As a result, student-level data implicates direct privacy concerns and is defined as sensitive data. With limited exception, student-level data is not available to the public without written consent of the parent. LEA-level and school-level data, on the other hand, is deemed not sensitive as it does not implicate any

¹ Pub. L. 90-247, 80 Stat. 783 (Jan. 2, 1968), as codified at 20 U.S.C. § 20-1232g; 34 C.F.R. § 99 *et seq.*

² Pub. L. 104-191, 110 Stat. 2021 (Aug. 21, 1996), as codified at 42 U.S.C. § 1320d *et seq.*; 45 C.F.R. §§ 160, 164.

³ Pub. L. 108-446, 118 Stat. 2647 (Dec. 3, 2004), as codified at 20 U.S.C. § 1400 *et seq.*; 34 C.F.R. § 300 *et seq.*

⁴ D.C. Mun. Regs. tit. 5E § 2600 *et seq.*, 24 D.C.R. 1055 (Jul. 29, 1977), as amended.

individual privacy concerns. However, where release of LEA-level and school-level data would identify student-level data, the data would be deemed sensitive only to the extent that it identifies a particular student's information. Any portions of LEA-level and school-level data that identify student-level data will be treated as sensitive and may not, with limited exception, be disclosed without written consent of the parent of the identified student.

ACCESS TO ANALYSIS OF DATA

This policy is intended to address disclosure of raw data collection. In addition to collection of raw data, the State Education Agency is required to analyze educational data for the purposes of oversight and administration of educational programs. During the deliberative process, any analysis performed by the State Education Agency and its agents and/or contractors pursuant to federal or state law will be considered *embargoed* and will be not publicly-disclosed pursuant to this policy unless the decision-making and/or investigatory processes for which that analysis is used has been fully completed and approved for dissemination and/or publication. Embargoed data may be disclosed on a limited basis for the purpose of review by entities specified by law, such as schools and LEAs. However, embargoed data will not be disclosed to any other entity, including but not limited to researchers, parents, press and/or the general public, until the conclusion of the deliberative and investigatory processes. Consistent with applicable laws and upon completion of the processes described above, embargoed data may be reclassified and released to the public as appropriate.

WHO MAY ACCESS DATA

The following entities are authorized varying levels of access to educational data:

- OSSE staff
- Federal government
- LEAs
- Schools
- Parents/students
- Researchers
- Courts

OSSE's Statewide Longitudinal Education Data System (SLED) staff members are solely authorized to access SLED data. SLED staff have unlimited access to data in furtherance of the employee's official duties and OSSE's mandates.

As authorized by statute and regulation, the Federal government may have access to LEA-level, school-level, and student-level educational data as needed to comply with auditing, oversight, and reporting requirements.

LEA and school officials within the District of Columbia school system, including administrators and teachers, may access LEA-level, school-level, and student-level data if they are deemed by OSSE to have legitimate educational interests. LEA and school officials from outside the District of Columbia may also access student-level data for any student who is seeking admission or enrollment into that school or school system, or in connection with the student's request for financial aid.

Parents have the right to request the complete record of the student-level data for their child(ren).

Education researchers are entitled to receive LEA-level, school-level, and student-level data. This is the only segment of the public who may access student-level data without first obtaining written consent of the student's parent. However, an educational researcher must still protect the student's privacy and may not publish, present or use results from the research or data analysis if such publication, presentation or use would identify any personal student information.

Courts may access student-level educational data pursuant to a subpoena or court order.

Personal data may also be released by OSSE to appropriate persons in emergency situations only to the extent necessary to protect the health and safety of the student or other persons.

Persons who do not fall into one of the above categories must file a Freedom of Information Act (FOIA) request in order to request access to educational data. Student-level data will not be provided pursuant to FOIA as it is an unwarranted invasion of personal privacy and is prohibited from disclosure pursuant to other laws, such as the Family Educational and Privacy Rights Act (FERPA).

PARENTAL CONSENT TO DISCLOSURE

Where disclosure is not otherwise authorized by federal or District law, student-level data may be released with the written consent of the parent. A parent who wishes to consent to release of his/her child(ren)'s educational information should complete the Parental Disclosure Authorization Form. See Attachment A.

DATA REQUEST PROCEDURE

Educational Research

OSSE is committed to conducting and supporting research that aligns with our agency goals while respecting the privacy of students. To that end, individuals and/or organizations seeking educational data for research purposes must submit a research proposal using the Educational Data Research Request Form. See Attachment B.

Research requests will be evaluated on the following criteria:

- Does the research proposal clearly explain the need for the data requested?
- Is there a clear relationship between the requested data and the research goals?
- Does the request comply with all student privacy/confidentiality laws?
- Is the data readily available? If not, what amount of time and effort must OSSE expend to comply with the request?
- Is there a compelling need for the research?
- Will a program within OSSE benefit from the research?

OSSE will only consider requests for student-level data from professional researchers or from graduate students/professors (Master's or PhD level) affiliated with institutions that have an Institutional Review Board. Graduate students must have a supervising professor, and the university must have an Institutional Review Board (IRB).

Any researcher who is approved to receive student-level data will be required to enter into a written data sharing agreement with OSSE and to submit non-disclosure forms signed by every person who will have access to student-level data on behalf of the researcher.

When a research request is received from a researcher, OSSE will evaluate the request and provide a response to the requestor within 30 calendar days. If OSSE decides to grant the data request, please allow an additional 30 days for compilation of data. Requests for significant amounts of data may be subject to longer response times, which will be discussed with the researcher by OSSE staff.

Prior to publication of any research findings or conclusions based on data received from OSSE, it must be shared with OSSE at least fourteen days before publication and/or submission. OSSE will use this time period to review the findings for compliance with federal or District privacy laws and with the written data use agreement signed by the researcher.

Parents

Parents have the right under the Family Educational and Privacy Rights Act (FERPA) to access their child(ren)'s educational records and to request amendment of the content of such educational records to the extent that the records may be inaccurate or misleading. A parent wishing to access and review his/her child(ren)'s educational records should complete the Parent Data Request Form. See Attachment C. Proof of the requestor's relationship to the child must be attached to the request form.

When a request for data is received by OSSE from a parent, OSSE will evaluate the request and provide a response to the parent within 45 calendar days of the request. Due to the sensitivity of student information, responses to parental requests for their child(ren)'s information will not be mailed, faxed or electronically transmitted. Once the parent's data request has been approved, the parent will be required to come to OSSE's office and show identification before the records will be released.

If after reviewing the records, a parent wishes to contest the content of the records, the parent should follow the procedures outlined in Title 5E, Section 2601 of the D.C. Municipal Regulations. Challenges to the content of their child(ren)'s educational records must be directed to the custodian of records at the child(ren)'s school, not to OSSE.

Other Requestors

Requestors of data who are not parents, educational researchers, LEA, school or government representatives, must follow the procedures for a Freedom of Information Act (FOIA) request. Submission instructions for FOIA may be found at:

<http://dc.gov/DC/Government/Data+&+Transparency/Freedom+of+Information+Act>

PUBLIC NOTICE

OSSE provides notice to the public about the Statewide Longitudinal Education Data System (SLED) via its website at:

<http://osse.dc.gov/service/statewide-longitudinal-education-data-system-sled>



Office of the



State Superintendent of Education

ATTACHMENT A

Parental Disclosure Authorization Form

The Federal Educational Rights and Privacy Act (FERPA) is a Federal law concerning the privacy of, and access to, student education records. FERPA gives parents and guardians certain privacy rights with respect to their children’s education records. This form permits a parent or guardian to voluntarily authorize the release of education records to a third-party. Such a release is not mandatory. For additional information, visit the U.S. Department of Education’s website: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

This form must be fully completed and signed. Education records cannot be released if the form is not complete.

I. STUDENT INFORMATION:

| |
|----------------------------------|
| Student Name: |
| Date of Birth: |
| Student School and Grade: |

II. RECORDS TO BE RELEASED (LIST BELOW):

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| |

III. PERSON(S) TO WHOM ACCESS OF EDUCATIONAL RECORDS MAY BE PROVIDED:

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|---------------------|
| Name(s): |
| Address(es): |

IV. RELEASE DURATION (USUALLY ONE YEAR):

| |
|---------------------------------------|
| This Authorization Expires on: |
|---------------------------------------|

V. DESCRIBE THE PURPOSE OF THE RELEASE:

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I consent to this release understanding that (1) I have the right not to consent to the release of the student’s education records, (2) I have a right to inspect any written record pursuant to this consent form, and (3) I have the right to revoke this consent at any time by providing a written revocation to the Office of the State Superintendent of Education (OSSE).

| | | |
|--|-------------------------------------|--------------|
| Parent/Guardian’s Written Name: | Parent/Guardian’s Signature: | Date: |
| | | |



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ATTACHMENT B

Educational Data Request Form

Data requests will only be considered after the completed form has been received. For an overview of the criteria used to evaluate data requests, consult the Office of the State Superintendent of Education’s Policy for Data Access and Use.

**Please submit to: Office of the State Superintendent of Education
Street Address
Washington, DC 20002**

Required Information:

| | |
|--|---------------|
| Name: | |
| Personal Designation (please check the appropriate box): <input type="checkbox"/> Graduate Student Graduate students must provide supervisor’s name: _____ <input type="checkbox"/> Professor <input type="checkbox"/> Non-professor professional | |
| Organization/School Name: | |
| If Your Institution is a University or College, Does It Have an Institutional Review Board? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Mailing Address: | |
| Phone: | Email: |
| Specify Data Requested: | |

Project Description (attach a document addressing the following in sequence):

- A. What are the purpose and goals of the proposed research? Provide a summary/abstract of the topic.**
- B. List the research question(s) addressed by the proposed project.**
- C. Explain the relationship between the requested data and your research goals.**
- D. Is there a compelling need for your research? Please explain.**
- E. Does your data request comply with all student privacy and confidentiality laws and regulations?**
- F. Is your data easily accessible for OSSE? Why are readily available online data and reports insufficient to address the research question(s) posed?**

Statement of Benefit:

- A. How will your study expand OSSE's understanding of your research topic?**
- B. Which of OSSE's programs will be benefitted by this research and how?**

Timeline Requirements (please layout the timeline for your project):



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ATTACHMENT C

Parent Data Request Form

The Federal Educational Rights and Privacy Act (FERPA) is a Federal law concerning the privacy of, and access to, student education records. FERPA gives parents and guardians the right to request and inspect the educational records of their child(ren) for the purposes of ensuring accuracy and compliance with privacy requirements.

This form must be fully completed and signed. Education records cannot be released if the form is not complete.

Due to the sensitive nature of student information, you will be contacted when this request has been approved and the requested documents are available for pick-up. You will be asked to come to the Office of the State Superintendent of Education, located at 810 First Street, NE, Washington, DC 20002, during regular business hours and show identification before the records will be released.

I. STUDENT INFORMATION:

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|----------------------------------|
| Student Name: |
| Date of Birth: |
| Student School and Grade: |

II. RECORDS TO BE RELEASED (LIST BELOW):

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III. PARENT OR GUARDIAN INFORMATION:

| |
|------------------------------------|
| Name(s): |
| Address(es): |
| Relationship to Student(s): |

IV. SIGNATURE:

| | |
|-------------------------------------|--------------|
| Parent/Guardian's Signature: | Date: |
|-------------------------------------|--------------|