



POLICY FOR ACCESS AND USE OF EDUCATIONAL DATA

A. POLICY STATEMENT

OSSE is committed to ensuring the privacy and protection of student information while also facilitating access and use of raw and statistical educational data for permissible purposes in compliance with federal and District law. The purpose of this policy is to establish parameters for external access and use of educational data collected by the Office of the State Superintendent of Education (OSSE).

B. APPLICABILITY OF PRIVACY AND DISCLOSURE LAWS

This policy addresses the following laws:

1. Family Education Rights and Privacy Act (FERPA)
2. Health Insurance Portability and Accountability Act (HIPAA)
3. Individuals with Disabilities Education Act (IDEA)
4. Child Nutrition Act of 1966
5. Freedom of Information Act (FOIA)

1. ***Family Education Rights and Privacy Act (FERPA)***

The Family Education Rights and Privacy Act¹ (FERPA), and its implementing regulations,² give parents and eligible³ students the right to access and challenge the education records of their children, and also protect student information from unwarranted disclosure to third parties. FERPA applies to educational agencies and institutions, which include any elementary, secondary, or postsecondary school that receives U.S. Department of Education funding; or any entity that is authorized to direct and control elementary, secondary, or postsecondary institutions. FERPA also affirmatively applies to a State educational agency.⁴ For the purposes of FERPA, “education records” are files, documents, or other materials **containing information directly relating to a student.**⁵ This policy complies with FERPA in that it employs reasonable methods to both facilitate parental access

¹ Pub. L. 90-247, 80 Stat. 783 (Jan. 2, 1968), as codified at 20 U.S.C. § 20-1232g.

² 34 C.F.R. § 99 *et seq.* (2011).

³ From ages 0-18, the parent(s) possess the right to access their child(ren)’s educational records. When the child turns 18 or begins attending a postsecondary institution, s/he becomes an “eligible student” and the right to access and review the student’s educational records transfers from the parent(s) to the now-adult student.

⁴ In its final rulemaking adopting changes to FERPA, the U.S. Department of Education stated that an SEA is neither an educational institution, nor an educational agency, since both definitions require student enrollment. 76 Fed. Reg. 75604 (Dec. 2, 2011).

⁵ FERPA specifically excludes the following records from the definition of educational records: personal notes of teachers, principals, and administrative school staff; law enforcement records; a educational agency’s personnel records, and; postsecondary medical treatment records of adult students.

to student education records and to protect those records from unauthorized release to parties other than parents.

The first aspect of FERPA is the parental right to access and review of educational records related to their child(ren). To comply with these provisions of FERPA, OSSE must, upon receipt of a request from a parent for his/her child's education records, provide the requested records within 45 days of the date the request was made. However, the right of a parent or eligible student to challenge the contents of educational records only applies to records of schools and LEAs. This right does not extend to records held by an SEA or by third party entities working on behalf of an educational agency, institution, or SEA. Instead, such challenges are handled by D.C. Public Schools for public schools.⁶

The second aspect of FERPA governs disclosure of educational records. The key consideration for FERPA is not the record itself, but whether the record contains **personally-identifiable information** (PII) about a student. PII includes, but is not limited to the student's name, parents' names, address, Social Security number, unique student identifier, or indirect identifiers (such as date/place of birth and mother's maiden name).⁷ FERPA's general rule is that PII may not be disclosed to a third party without the prior written consent of the parent or eligible student. The essential elements of this rule are, therefore, the nature of the data (that it contains PII) and the source of the request (that it is a third party; the first two parties being the school from which the data was received and OSSE). Any disclosure that does not contain PII, does not invoke FERPA.

Where the disclosure is of PII and is to a third party, OSSE must first obtain the written consent of the parent or eligible student, unless the particular disclosure has been exempted from FERPA's consent requirements. OSSE, as the SEA, does not generate or create any of the data on the State Longitudinal Education Data System (SLED). Instead, OSSE collects the data from schools and LEAs. As a result, OSSE is subject to the "re-disclosure" provisions of FERPA. Re-disclosure of data by an SEA is a two-prong test.⁸ First, the disclosure must fall under one of the FERPA exceptions listed below. Second, the SEA must maintain a list of all re-disclosures. The list must record, at a minimum, the name of the party to whom the records were disclosed and the FERPA exception applicable to the re-disclosure. In addition, the educational agency or institution may request the records of re-disclosures of information that the SEA collected from that educational agency or institution. The SEA must provide the record within 30 days of receiving the request.

FERPA Exceptions to General Non-Disclosure Rule:

- a) **Parents/Eligible Students**—From ages 0-18, the parent(s) of a student have the right to request their child(ren)'s educational records. After the age of 18, the student becomes an "eligible" student and the right to access and review the student's educational records transfers from the parent(s) to the now-adult student. Although technically considered a "disclosure," an educational agency or institution may disclose, and OSSE may re-disclose, PII to the parent of the student or to the eligible student about whom the PII refers. In

⁶ 5E D.C. Mun. Reg. § 2602 et seq., 24 D.C. Reg. 1005, 1059 (Jul. 29, 1977), as amended.

⁷ INSTITUTE OF EDUCATION SCIENCES, NATIONAL CENTER FOR EDUCATION STATISTICS, SLDS Technical Brief No. 1, *Basic Concepts and Definitions for Privacy and Confidentiality in Student Education Records* (Nov. 2010).

⁸ 34 C.F.R. § 99.33(b) (2012).

addition, a parent or eligible student may designate some other party to receive the PII requested.

- b) **FERPA-permissible Entities**—FERPA identifies certain government entities by name. These entities, and their authorized representatives, are permitted to receive PII: U.S. Comptroller General, U.S. Attorney General (for law enforcement purposes), Secretary of the U.S. Department of Education, State educational agencies, and Local educational agencies.
- c) **School Officials**—An educational agency or institution may release PII to its own employees, contractors, consultants, and volunteers, if the school determines that the recipient of the PII has a legitimate educational interest. It may also disclose PII about its current and former students to any other educational agency or institution that either provides educational services to the student or to which the student has sought to enroll. However, the school must make reasonable attempts to notice the parents about the record request.

Applying this exception to an OSSE re-disclosure, there are two possible scenarios: i) re-disclosure is to school that provided the data to OSSE, or (ii) re-disclosure is to a different school than the school that provided the data to OSSE. If the same school that provided the data requests its own data, OSSE is permitted to re-disclose the data to the school's approved officials, which are school administrators and teachers. However, only the school itself can decide whether other employees, contractors, consultants, or volunteers have legitimate educational interests. OSSE would, therefore, direct school-based requestors who are not administrators or teachers to request data from their school. If the request comes from a different school than the one that provided the data, OSSE may re-disclose PII about a student only if the requesting school actually provides services to the student, or if the student is seeking enrollment in that other school. OSSE will not provide student PII to a school that has no connection to that student.

- d) **Directory Information**— An educational agency or institution may disclose directory information to an entity without obtaining the prior written consent of the parent or eligible student after the school has complied with the procedural requirements for this exception. Each school must affirmatively select data elements to include in its directory, provide public notice to parents of its student body about the directory elements, and allow parents to opt-out.

The following types of data may be designated by a particular school as ***directory information***: name; student ID number; address; telephone number; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially-recognized activities and sports; weight and height of members of athletic teams; degrees and awards received, and; most recent educational agency attended. In addition to selecting which of the above elements will be included in a school's directory, the school's public notice must provide parents with a set period of time and a specific process for opting out of all or part of the directory. This means that parents may request that their child's information not be included in the directory at all, or that only certain pieces of information, such as address and phone number, not be included in the directory for their child.

Applying this exception to an OSSE re-disclosure, SLED does not currently track which data elements each school has established as “directory,” nor whether students have opted-out. As a result, any re-disclosure of directory information by OSSE would not meet the requirements of FERPA. Requesters asking for directory information should, therefore, be directed to the school.

- e) **Audit/Evaluation/Enforcement/Compliance**—This is one of the few FERPA exceptions that apply directly to an SEA. FERPA permits an SEA to designate any entity as its authorized representative to carry out audit, evaluation, enforcement, or compliance activities on any Federal- or state-supported program, or to carry out enforcement or compliance activities related to the Federal requirements for any of those programs. Prior to disclosure, OSSE must first enter into a written agreement with any such designated authorized representative. The agreement must include, at a minimum, the entity being designated as an authorized representative, PII being disclosed, audit/evaluation/enforcement/compliance activity, how the PII will be used, requirement that PII be destroyed after activity concluded, and requirement that further re-disclosures comply with the re-disclosure provision of FERPA.
- f) **Educational Researchers**— This is one of the few FERPA exceptions that applies directly to an SEA. FERPA permits an SEA to re-disclose PII to organizations conducting studies for or on behalf of an educational agency or institution for the purpose of developing, validating, or administering predictive tests; administering student aid programs, or; improving instruction. Organizations conducting educational studies and research may be government agencies or private entities. Prior to disclosure, OSSE must first enter into a written agreement with any such educational researcher. The agreement must include, at a minimum, purpose, scope, and duration of study; data being disclosed; requirement that PII be used only to further the study; requirement that PII not be re-disclosed; requirement that PII be destroyed after concluding the study. It is not necessary for the purposes of this exception that any school, LEA, or SEA initiate or agree with the study.
- g) **Accrediting Organizations**—An educational agency or institution may disclose, and OSSE may re-disclose, PII to an accrediting organization to carry out accrediting functions.
- h) **Student Aid**—An educational agency or institution may disclose, and OSSE may re-disclose, PII in connection with a student’s application for financial aid, or in connection with a student who already receives financial if the PII is necessary to determine eligibility, amount, or conditions of that student’s existing financial aid.
- i) **Emergency**—In the event of a health or safety emergency, an educational agency or institution may disclose PII in connection with an emergency if knowledge of the PII is necessary to protect the health or safety of the student or other individuals. Applying this exception to an OSSE re-disclosure, OSSE may re-disclose PII in connection with an emergency if knowledge of the PII is necessary to protect the health or safety of the student or other individuals. This will primarily arise in the context of transportation, since transportation is the only direct service that OSSE employees provide to students. Transportation employees should follow the policies and procedures implemented for that OSSE Division. Any other OSSE employees who receives a request for data due to an emergency should contact their Assistant Superintendent, the OSSE Director of Operations,

Chief of Staff, the General Counsel, or the Superintendent. Under no circumstances is an employee authorized to release PII on an emergency basis without the approval of a member of the Executive Team.

- j) **Juvenile Justice**—An educational agency or institution may disclose PII about a student to the juvenile justice system to assist that system’s serving the student, if a State law was enacted before November 19, 1974, that permits such disclosure. The District of Columbia’s juvenile justice law was enacted on December 23, 1963.⁹ The juvenile justice authorities must certify in writing that the records will not be re-disclosed except as permitted by the State law. While OSSE is authorized to re-disclose PII to juvenile justice officials under federal law, under District of Columbia law, it is the LEA that is responsible for making referrals to the Family Division and providing the necessary educational records.¹⁰ As a result, any requests for educational records received from a juvenile justice official should be referred by OSSE to the appropriate LEA.
- k) **Child Welfare Agency**—On January 14, 2013, Congress enacted the Uninterrupted Scholars Act¹¹ to amend FERPA and facilitate the disclosure of educational records to child welfare agencies. Federal law requires child welfare agencies to ensure that children in their care are enrolled in school and that their school placements are as stable as possible. To fully comply, child welfare agencies must have access to educational records. The January 2013 amendments permit OSSE to provide educational records containing PII without first obtaining parent/student consent to a child welfare agency caseworker or other representative who has the right to access a student’s case plan, when such child welfare agency is legally responsible, in accordance with State law, for the care and protection of the student.¹²

The child welfare agency is further prohibited from re-disclosing PII that it receives pursuant to this new exception. Re-disclosure of PII may only be made to an individual or entity engaged in addressing the student’s education needs and is authorized by the child welfare agency to receive such disclosure, consistent with local law.

Pursuant to District of Columbia law, the Child and Family Services Agency (CFSA) and/or the Department of Youth Rehabilitation Services (DYRS) become legally responsible for the care and protection of a child or youth upon issuance of a disposition by the Family Division of the D.C. superior court transferring legal custody of a neglected child to CFSA or a child in need of supervision to DYRS.¹³

Applying this exception to an OSSE re-disclosure, OSSE may re-disclose educational records to a representative of CFSA or DYRS that is authorized by that agency to access the child or youth’s welfare case. CFSA and DYRS may re-disclose these records to their own contractors who provide educational services to children and youth committed to their care.

⁹ Pub. L. 88-241, 77 Stat. 588 (Dec. 23, 1963).

¹⁰ D.C. Mun. Reg. tit. 5A §§ 2103.5, 2103.6 (2009).

¹¹ Pub. L. 112-278, 126 Stat. 2480 (Jan. 14, 2013).

¹² 20 U.S.C. § 1232g(b)(1)(L).

¹³ D.C. Code § 16-2320.

- l) **Litigation**—When an educational agency or institution initiates legal action against a parent, the educational agency or institution may disclose any relevant educational records (including those containing PII) to the court without a subpoena or court order. In addition, when a parent or eligible student initiates legal action against an educational agency or institution, the educational agency may disclose any relevant educational records (including those containing PII) to the court without a subpoena or court order.¹⁴

Applying this exception to an OSSE re-disclosure, OSSE may re-disclose to the court any relevant education records within the context of a lawsuit filed by OSSE against a parent or filed against OSSE by a parent or eligible student. In any legal action where the opposing party is not a parent or eligible student, however, OSSE would not be permitted to disclose PII under this exception. In those cases, a subpoena/court order or written prior consent of the parent/ eligible student is required (see “Subpoena/Court Order” below). All decisions regarding litigation must be made by the Office of the General Counsel.

- m) **Subpoena/Court Order**—An educational agency or institution may disclose, and OSSE may re-disclose, PII subject to a court order, a lawfully-issued subpoena, or an ex parte court order obtained by the United States Attorney General or his/her designee in the context of a terrorism prosecution. Prior to responding to the subpoena, OSSE must first determine: 1) whether the parent or student whose PII is ordered by the court to be disclosed is a party to the case; and 2) whether the court/order subpoena limits notice of the disclosure. If the student/parent whose PII is ordered by the subpoena/court order to be disclosed is not a party to the case, then OSSE has the obligation to first make reasonable efforts to notify the parent or eligible student prior to disclosure. This permits the parent or eligible student the opportunity to file a protective order against the disclosure. If the parent or eligible student is a party to the case, the amendments made by the Uninterrupted Scholars Act in January of 2013 no longer obligate OSSE to notify the parent or eligible student prior to disclosing the records pursuant to the subpoena/court order. OSSE will not provide any notice to the parent or eligible student where the subpoena or court order limits such notice on its face.

In addition, when applying this exception to an OSSE re-disclosure, the OSSE General Counsel should be consulted.

- n) **Post-Secondary Disciplinary Proceedings**—Neither of the following exceptions are applicable to OSSE
- i. **Violent/Sex Crimes**—When a student attending a post-secondary institution is accused of committing a violent crime or a non-forcible sex crime, the post-secondary institution may disclose the results of those disciplinary proceedings to the crime victim, regardless of whether or not the student was found to have committed the crime. This exception is not applicable to OSSE.
 - ii. **Drug/Alcohol Crimes**—When a student attending a post-secondary institution is accused of violating any laws or school regulations regarding the use or possession of drugs or alcohol, the post-secondary institution may disclose the results of those disciplinary proceedings to the parent of the student who is under the age of 21.

¹⁴ 34 C.F.R. § 99.31(a)(9)(iii) (2012).

- o) **Sex Offender Registry**—An educational agency or institution may disclose, and OSSE may re-disclose, any PII necessary to comply with applicable sex offender registry laws.

Any record maintained by OSSE that contains PII and does not meet one of the above exceptions, **will not** be disclosed without the prior written consent of the parent or eligible student. An entity (including an SEA) that is found by the Secretary to have improperly re-disclosed data received originally from an educational agency or institution is required to be banned by that agency or institution from accessing their educational records for five years. In addition, a finding that OSSE has failed to comply with FERPA could jeopardize its federal funding.

OSSE employs reasonable methods to ensure that its employees understand and comply with FERPA's confidentiality and disclosure requirements. Upon hiring, OSSE employees are required to read and sign a non-disclosure agreement. During the employee's tenure with OSSE, the employee is notified of his/her responsibilities to keep educational data private when logging on to SLED. Finally, when an OSSE employee ends his/her employment with OSSE, an automated system sends a notice from the OSSE Human Resources Division to the OSSE Data Division to promptly sever the employee's access to SLED and OSSE's servers.

2. Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act of 1996¹⁵ (HIPAA), and its implementing regulations,¹⁶ protect the health insurance coverage of workers when they transition jobs, seeks to reduce waste and fraud by simplifying the exchange of health information, and protects the privacy of health information.

The HIPAA Privacy Rule implemented by the U.S. Department of Health and Human Services applies to covered entities...health care providers, health care clearinghouses, and health plans.¹⁷ OSSE does not provide or pay for the cost of medical services, or process nonstandard health information into standard format within the terms of HIPAA, and it is not a covered entity for HIPAA purposes.

In addition, the definition of the term "protected health information" in HIPAA's Privacy Rule explicitly excludes any information that would also meet the definition of an "education record" pursuant to the Family Educational Rights and Privacy Act (FERPA), which is discussed above. Medical information contained within OSSE's special education and health/wellness records fall within the definition of educational records under FERPA, and are therefore not subject to the requirements of HIPAA.

3. Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act¹⁸ (IDEA), and its implementing regulations,¹⁹ require that States implement policies and procedures that comply with IDEA confidentiality requirements, which are found in sections 300.610 through 300.626 of Title 34 of the Code of Federal Regulations (C.F.R.). IDEA's regulations reference the definition used by FERPA for education records, except

¹⁵ Pub. L. 104-191, 110 Stat. 2021 (Aug. 21, 1996), as codified at 42 U.S.C. § 1320d *et seq.*

¹⁶ 45 C.F.R. §§ 160, 164 (2010).

¹⁷ 45 C.F.R. part 160; 45 C.F.R. part 164(A) & (E).

¹⁸ Pub. L. 108-446, 118 Stat. 2647 (Dec. 3, 2004), as codified at 20 U.S.C. § 1400 *et seq.*

¹⁹ 34 C.F.R. § 300 *et seq.* (2010).

that IDEA's confidentiality provisions apply only to those education records that are maintained for the purpose of implementing IDEA. FERPA covers recipients of federal funds under any U.S. Department of Education program. As a result, where IDEA has requirements that are additional to FERPA, those requirements apply only to special education data. This means that basic information collected regarding students with disabilities, such as name, address, etc., which are not specifically collected for IDEA purposes, but for general education purposes, are governed by FERPA. Information, such as medical records, Individualized Education Programs (IEP), etc. that are required only because of the child is IDEA-eligible, are governed by IDEA's confidentiality provisions.

IDEA requires SEAs to give a parent notice of its responsibilities under IDEA, including the kinds of information maintained, the SEA's data policies, and the parent's rights under IDEA and FERPA. One such right is the parent's right to review and challenge the records maintained about his/her child. When OSSE receives such an information request from a parent, the requested data must be provided within 45 days or prior to any IEP meeting or hearing, whichever occurs first. OSSE must also keep a record of all requests for access to a child's special education records. As with such requests made under FERPA, challenges to the content of a student's records must be made at the school/LEA level, rather than at the SEA level, since these records are created by the school/LEA and are merely maintained by OSSE.²⁰

IDEA's general rule on disclosure is that ***personally-identifiable information*** (PII) within education records may not be disclosed without the prior written consent, as defined by FERPA, of the parent or adult child. There are some limited exceptions to this general prohibition on disclosure, which permit OSSE to disclose student records WITHOUT the written consent of the parent or adult student. First, disclosure is permitted to IDEA-participating agencies without parental consent. Participating agencies are agencies or institutions that collect, maintain, or use PII, or from which PII is obtained. However, even this exception has some limitations. Where the disclosure of PII is for transition purposes, either to a postsecondary institution or to a private institution outside of the LEA, parental consent is still required. Second, where all PII has been removed from the records, parental consent is not required prior to disclosure.

In addition to the confidentiality requirements, IDEA imposes procedural requirements above and beyond FERPA for special education records, as follows:

- a) One official at each agency with PII must be responsible for ensuring the confidentiality of such information;
- b) All employees of an agency that collects or uses PII must receive training on the confidentiality requirements of IDEA and FERPA; and
- c) Each agency must maintain and allow public inspection of a list of current employees who may have access to personally-identifiable information.

Finally, unlike general education records maintained pursuant to FERPA, special education records must be destroyed upon request of the parents when the records are no longer needed for the purpose of providing educational services to the child.

²⁰ D.C. Mun. Reg. tit. 5E § 3021 et seq., 30 D.C. Reg. 2972, 2981 (Jun. 17, 1983), as amended.

4. *Child Nutrition Act of 1966*

The Child Nutrition Act of 1966,²¹ and its implementing regulations,²² created the National School Lunch Program, which provides free and reduced price meals to students. Information obtained from an application for a free or reduced price meal may be disclosed only to entities that:

- a) Administer the school lunch program (OSSE)
- b) Administer or enforce a Federal education program (OSSE, LEAs, PCSB, Schools)
- c) Administer or enforce a State health or education program administered by the SEA or an LEA, not including Medicaid or S-CHIP (limited to income eligibility information) (OSSE, LEA)
- d) Administer Medicaid and S-CHIP, if the data is for identifying and verifying a child's eligibility under Medicaid or S-CHIP (limited to income eligibility information) (DC Department of Human Services, DC Department of Health Care Finance)
- e) Administers a comparable means-tested nutrition program (limited to income eligibility information)
- f) U.S. Comptroller General
- g) Law enforcement related to the school lunch program (OSSE, OAG)

5. *Freedom of Information Act (FOIA)*

The DC Freedom of Information Act (FOIA) is a statute that is designed to facilitate public access to full and complete information regarding governmental affairs.²³ Unless the records are specifically exempted by the FOIA statute, a person has the right to inspect public records subject to FOIA procedures.²⁴ This OSSE *Policy for Data Access and Use* is **not intended to govern OSSE's responses to FOIA requests from the public**. Rather, this policy is a representation of the agency's intent to affirmatively provide limited types of educational data to specific classes of requestors without requiring the requester to exercise their rights under FOIA. This means that when a FOIA request is received, the responding OSSE employee should not refer to this policy, but should instead refer to the DC FOIA statute and any OSSE FOIA policies and procedures.

On the other hand, if a data request is submitted pursuant to this policy, and the request does not meet the requirements of this policy, the requester should be informed of their right to file a FOIA request in the alternative. For example, if the requester is not a parent, researcher, or other approved requestor under this policy, such as a news reporter or an advocacy organization, the request must be made pursuant to FOIA, not this policy. A data request made pursuant to this policy may also be distinguished from a FOIA request by the nature of the information sought. For example, a request for OSSE personnel and employment records would not fall under this policy, which covers only educational data. As a result, such a request would have to be made under FOIA.

Student-level data will not be provided pursuant to FOIA as it is an unwarranted invasion of personal privacy. As a result, the only process by which a requester may access student-level data is pursuant to this policy.

²¹ Pub. L. 89-642, 80 Stat. 885 (Oct. 11, 1966), as amended, as codified at 42 U.S.C. § 1758(b)(6) (2011).

²² 7 C.F.R. § 210 *et seq* (2012).

²³ D.C. Code § 2-531 (2001).

²⁴ D.C. Code § 2-532(a) (2006 Supp.).

C. DATA ELEMENTS

Within OSSE's databases currently in use or under construction and/or consideration, OSSE collects and maintains the following types of data:

- Enrollment
- Attendance/Compulsory Education
- Assessment
- Student Information
- Demographics
- Teacher qualifications
- Special Education eligibility, assessment & compliance
- Course Codes and grades
- Eligibility for specialized services
- Other program-specific data²⁵

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 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.

D. ACCESS TO ANALYSIS OF DATA

This policy is intended to address disclosure of raw data. In addition to collection of raw data, OSSE is required to analyze educational data for the purposes of oversight and administration of educational programs. During the deliberative process, any analysis performed by OSSE and its contractors and/or authorized representatives 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 school administrators 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 or 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.

²⁵ Please refer to OSSE's *Data Handbook and Guidelines* document for a complete and technical list of data elements.

E. WHO MAY ACCESS DATA

Pursuant to the policy, OSSE will disclose data to the following types of requesters without requiring a FOIA request:

- OSSE employees & contractors
- OSSE authorized representatives
- DC schools
- DC LEAs
- Public Charter School Board (PCSB)
- Other school districts
- Parents/eligible students
- Educational researchers
- DC Council
- Mayor/Executive Office of the Mayor (EOM)
- Deputy Mayor for Education (DME)
- State Board of Education
- U.S. Department of Education
- Accrediting organizations
- Financial aid organizations
- U.S. Comptroller
- U.S. Attorney General
- DC Attorney General
- Courts
- DC Department of Human Services
- DC Department of Health Care Finance

See the OSSE policy entitled “Use Access Management,” for details about how authorized users can obtain access to data.

F. PARENTAL CONSENT

When prior written consent of the parent or eligible student is required before a disclosure may be made, the Parental Disclosure Authorization form in Appendix B must be completed.

G. HOW DATA WILL BE PROVIDED

Data disclosures that are permissible under this policy will be provided either directly via user access to OSSE’s State Longitudinal Educational Database or indirectly via a report run from the appropriate OSSE database after receipt of a request in the appropriate format as per Appendix A. OSSE’s data systems employ unique student identifiers to link student records to a particular student. Given the strong prohibitions against releasing a student’s information, OSSE will release student-level data (when approved) using a separate identifier that is not related to the unique student identifier. Data will be provided in electronic format whenever feasible. If electronic format is not feasible, then data will be provided in hard copy format.

H. 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

APPENDIX B

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):

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

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:

