

OKLAHOMA STATE
DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: Superintendent Ryan Walters and the Honorable Members of the State Board of Education

FROM: Sarina Rhinehart, Executive Director of Data Governance

DATE: March 23, 2023

SUBJECT: Discussion and possible action to approve a data sharing process, criteria, and data request approval implemented by provisions of the 2013 Student Data Accessibility, Transparency, and Accountability Act, 70 O.S. § 3-168

The OSDE Data Governance team, as part of its larger goal to promote data accessibility, quality, and privacy, manages the Oklahoma State Department of Education's data sharing practices and processes.

The [2013 Student Data Accessibility, Transparency, and Accountability Act, 70 O.S. § 3-168](#) outlines that, "the State Department of Education shall develop criteria for the approval of research and data requests from state and local agencies, the State Legislature, researchers and the public." 70 O.S. § 3-168(C)(2)(c). The same statute further adds two further relevant provisions: that all student data shall remain confidential absent Board approval, and that all non-aggregate student data shall remain confidential absent Board approval.

Because the statutes create some ambiguity about whether the Department's criteria for aggregate data are valid without Board approval, the Department seeks the Board's review and approval of the attached criteria for research and data requests.

Over the past year, the OSDE has strengthened and streamlined its data management and data sharing processes, formalizing the steps to improve the protection of student, teacher, and school data.

Attached documents

- 1) Membership of the Data Governance Board and Data Requests, Access, and Use Data Governance Subcommittee
- 2) Rubric used to review and evaluate data requests
- 3) Flowchart for external data request approval process

Useful links

- 1) [Summary of allowable exceptions](#) under the Family Educational Rights and Privacy Act (FERPA) that permit the disclosure of student personally identifiable information (PII) to third parties.
- 2) [Information](#) on parent and student rights to educational data

OSDE Data Governance Board membership

The Data Governance Board and its members are the OSDE's vital resource in data management and a driving force in promoting data accessibility, integrity, literacy, privacy, quality, and security. The Board meets the last Tuesday of every month.

- 1) Sarina Rhinehart, Executive Director of Data Governance (chair)
- 2) Ryan Pieper, Executive Director of Accreditation
- 3) Michelle Dunn, Executive Director of Federal Programs
- 4) Michael Tamborski, Executive Director of Data Quality & Research
- 5) Lori Kimbrough, Financial and Data Analyst
- 6) Lesa Rohrer, School Support Specialist
- 7) Kurt Johnson, Executive Director of Accountability
- 8) June Gerred, Executive Director of Data & Information Systems
- 9) Heather Young, Executive Director of School Personnel Records
- 10) Dawn Williams, Data Analyst
- 11) Cora James, Assistant Division Administrator, Assessment & Accountability (ex officio)

OSDE Data Requests, Access, and Use Data Governance Subcommittee membership

This subcommittee reviews and makes recommendations on data requests to ensure data privacy, security, and appropriate use. This subcommittee meets every Thursday.

- 1) Amparo Macias, Director of Data Project Management (chair)
- 2) Jindan Zhou, Director of Data Management
- 3) Savannah Vincent, Accountability Senior Data Analyst
- 4) Elizabeth Maughan, Director of Fine Arts Education
- 5) Travis Thompson, Director of Data Analysis, Special Education

STUDENT LEVEL DATA - Request Rubric

Select the criteria that applies and reason.

Date: _____

Requestor: _____

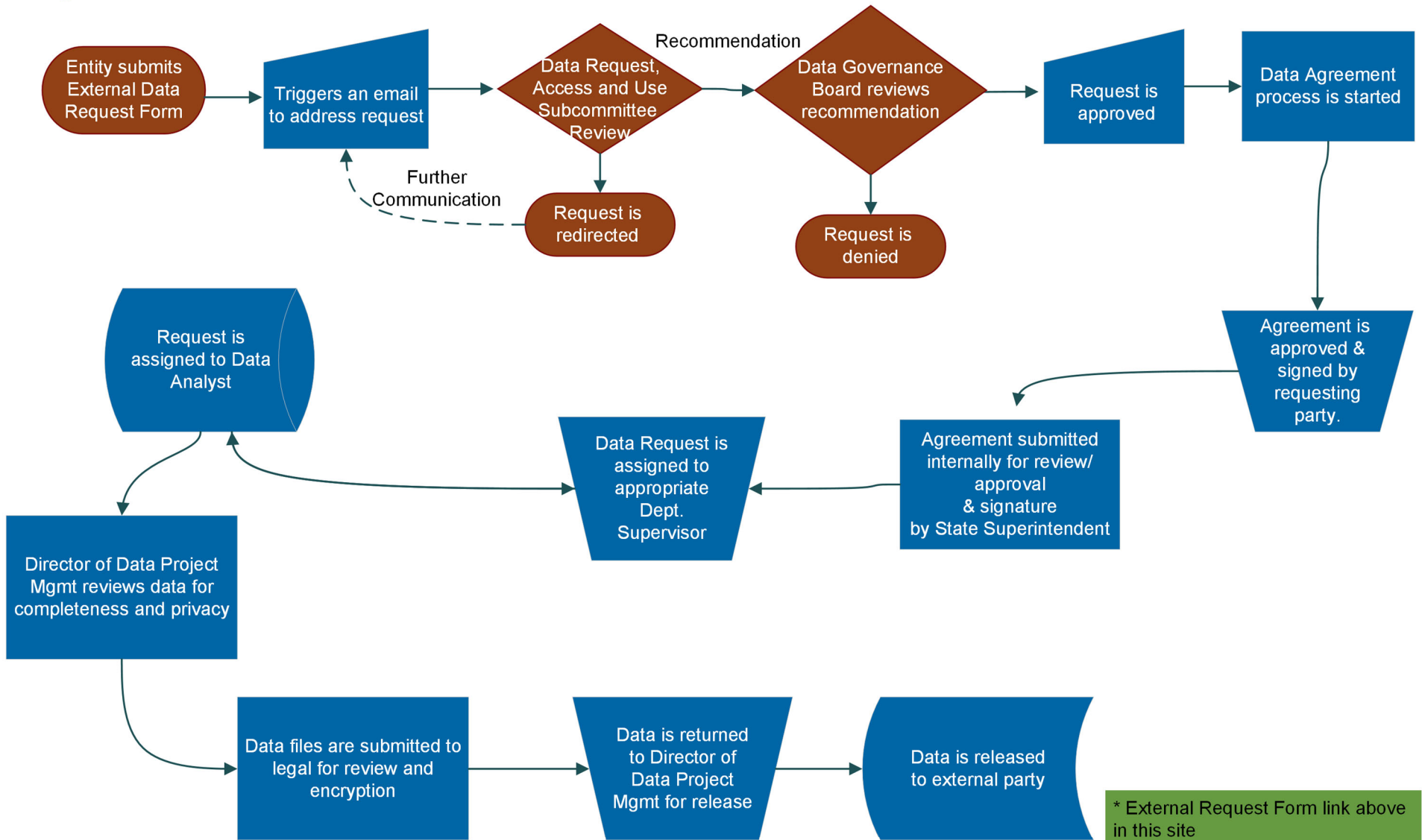
OSDE may disclose PII if the request meets any 1 of these criteria <u>SECTION A</u>	Approve	Disapprove
a) Use by parents of a student who is not an eligible student or to the eligible student (see 34 CFR 99.31(a)(12)).		
b) Use by school officials for legitimate educational purposes (see 34 CFR 99.31(a)(1)). PII may be disclosed to school officials if the official needs to review an educational record to fulfill their professional responsibility.		
c) Use by authorized representatives (see 34 CFR 99.31(a)(3) and (5)), including: <ul style="list-style-type: none"> • The U.S. Comptroller General; • The U.S. Attorney General; • The U.S. Secretary of Education; or • State and local officials or authorities. 		
d) Educational studies (see 34 CFR 99.31(a)(6)). PII may be disclosed to organizations conducting studies for, or on behalf of, the OSDE to: (1) develop, validate, or administer predictive tests; (2) administer student aid programs; or (3) improve instruction. Studies must ensure: <ul style="list-style-type: none"> • The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; • The information is destroyed as no longer needed for the purposes for which the study was conducted; • Requestor will sign and abide by a written data sharing agreement. 		
e) Use in a health and safety emergency (see 34 CFR 99.31(a)(10) and 34 CFR 99.36).		

<p>f) Evaluation/audit or compliance activities (see 34 CFR 99.35 and 34 CFR 99.31(a)(3)). Student information may be disclosed to authorized representatives in connection with an audit or evaluation of federal- or State supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. Disclosure for the purposes of such audits, evaluations, or compliance activities must ensure that the OSDE uses reasonable methods to ensure that its authorized representative:</p> <ul style="list-style-type: none"> • Uses PII only to carry out an audit or evaluation of federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements related to these programs; • Protects the PII from further disclosures or other uses, as specified in 34 CFR 99.35. • Destroys the PII in accordance with requirements; and • Enters into a written agreement with OSDE to adhere to OSDE requirements. 		
<p>g) Compliance with a judicial order or lawfully issued subpoena (see 34 CFR 99.31(a)(9)).</p>		
<p>h) Student transfer and enrollment (see 34 CFR 99.31(a)(2)). Student information may be disclosed to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.</p>		
<p>The stated education purpose/intended use of the request supports ethical use of data and OSDE priorities</p>		

<u>Section B</u>	Meets	Does not meet
1. Data request has an appropriate purpose.		

2. Data requested is collected and available within OSDE.		
3. Data request does not require <u>time consuming</u> special calculations, analyses, tabulations, or formatting.		
4. Requestor has an Agency sponsor invested/with interest in the request's results and research aligns to Division's priorities.		
5. Request aligns with OSDE Strategic Plan Summary Strategic Plan		
6. Requestor has experience handling and securing PII and/or a legal department		
7. What Dept./Director can this be assigned to?		

External Data Request Process



* External Request Form link above in this site
 * Data Request Subcommittee reviews requests every Thursday
 * Data Agreement process may take 4 weeks in review/approval.
 * For questions, email SDEDatagovernance@sde.ok.gov