Privacy Initiative Update

U.S. Department of Education

Postsecondary Electronic Standards Council
October, 2011

Baron Rodriguez
Program Director
Privacy Technical Assistance Center
Agenda

- Privacy initiatives at ED
- FERPA Notice of Proposed Rulemaking
- Areas of initial focus
- Feedback
Privacy Initiatives at ED

- New CPO position
- NCES technical briefs
- Privacy Technical Assistance Center
- Notice of Proposed Rulemaking
Status of Proposed FERPA Amendments
Areas of Initial Focus

- FERPA regulations
- FOIA process improvement
- Data release policy
- Data management generally
- Taking the office in new directions
Data Release Policy

- Standardizing rules and procedures
- Building in appropriate quality assurance
- Addressing difficult issues about disclosure avoidance
- Public interest
New Directions

- Exploring best practices from other agencies
- FERPA guidance – can we provide more?
- Increasing outreach and training
- Self-initiated complaints
Breaches by Educational Institutions

All varieties: hacking, loss of portable device, unintentional, insider breach, etc.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Breaches</th>
<th>Number of Records</th>
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<tbody>
<tr>
<td>2005</td>
<td>64</td>
<td>1,886,841</td>
</tr>
<tr>
<td>2006</td>
<td>103</td>
<td>2,019,119</td>
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<tr>
<td>2007</td>
<td>107</td>
<td>791,938</td>
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<tr>
<td>2008</td>
<td>103</td>
<td>1,107,001</td>
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<tr>
<td>2009</td>
<td>71</td>
<td>1,062,275</td>
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<tr>
<td>2010</td>
<td>73</td>
<td>1,575,698</td>
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<tr>
<td>2011 estimated</td>
<td>66</td>
<td>333,812</td>
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Source: Privacy Rights Clearinghouse, July 2011
PTAC Publications

- Data Governance Checklist
- Security Checklist
- Commonly Cited Resources
- FAQ’s
- Issue Brief: Responding to Security Audits
- Issue Brief: Threats to your Data
- Issue Brief: Data Center Consolidation Best Practices
- Issue Brief: Annual Notification Requirements
- Issue Brief: Data Stewardship
- Issue Brief: Privacy Training
PTAC Site Visits

- 8 Site visits to the following states: FL, MA, MD, MN, MS, LA, OR, VI.
- Themes
  - FL: Privacy needs
  - MA: FERPA barriers and MOU’s
  - MD: Security Architecture
  - MN: Interagency data sharing
  - MS: FERPA 101 training for districts
  - LA: Aggregate reporting best practices
  - OR: Security architecture and MOU’s
  - VI: FERPA barriers, security best practices
PTAC Webinar Series

- FERPA Changes – P20 Workgroup - 20 participants invite only
- Data Governance Best Practices (August) 70+ Participants.
- Threats to your Data (August) 50+ registered.
- Data Center Consolidation Best Practices (September)
- FERPA 101 (November 2011)
Feedback

We need your input:

- How can we best promote FERPA compliance and privacy in your institutions?
- Your topics

PTAC contact information: PrivacyTA@ed.gov
NEW GRANT OPPORTUNITY
SLDS
Grant Awards Status

To date, 41 states and DC have been awarded SLDS grants totaling $515M:

- **1st Round (FY06):** Nov. 2005 – 14 grantees awarded over $52M
- **2nd Round (FY07):** June 2007 – 13 grantees awarded over $62M
- **3rd Round (FY09):** April 2009 – 27 grantees awarded over $150M
- **4th Round (FY09 ARRA):** May 2010 – 20 states awarded $250M 
  (grantees ineligible for FY12 competition)
- **5th Round (FY12):** To be awarded in May 2012
Program Evolution

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<tbody>
<tr>
<td>K12</td>
<td>K12 + <strong>ONE</strong> of the following: PreK, Postsec, Workforce, <strong>OR</strong> Student-Teacher link</td>
<td>K12 + <strong>ALL</strong> of the following: PreK, Postsec, Workforce, <strong>AND</strong> Student-Teacher link</td>
<td><strong>ONE</strong> of the following: K12, PreK, <strong>OR</strong> Postsec/Workforce</td>
</tr>
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</table>

- # of grants: 14, 13
- Avg. Award: $3.7M, $4.8M
- 27 $5.6M
- 20 $12.5M
- ?
Relationship between SLDS, SFSF, & Race to the Top Programs

- **SFSF ➔** capacity building for data systems
- **SLDS ➔** infrastructure, governance, and data use
- **RTT ➔** innovation with data use
Priority Areas

– from SLDS RFA, Section IV. SLDS Requirements

**Priority 1:** To design, develop, and implement a statewide, longitudinal kindergarten through grade 12 (K-12) data system

**Priority 2:** To develop and link early childhood data with the State’s K-12 data system

**Priority 3:** To develop and link postsecondary and/or workforce data with the State’s K-12 data system

▶ Applications can only address *one priority*
Overview of Request for Application (RFA)
Eligible Applicants

Eligible applicants include the **state education agencies** of:

- 30 States **(SLDS FY09 ARRA grantees ineligible)**
- District of Columbia
- Commonwealth of Puerto Rico
- U.S. Virgin Islands
- American Samoa
- Guam
- Commonwealth of the Northern Mariana Islands
Grant Length & Size

• FY12 grants will last 3 years
• Grants will range from $1M to $5M
• Maximum amount for Priority 1 = $5M
• Maximum amount for Priorities 2 & 3 = $4M
Data Use Requirements

• Secure Access to Useful Data for Key Stakeholders
• Data Use Deliverables
• Training on Use of Data Tools and Products
• Professional Development on Use of Data
• Evaluation of Data Products, Training, and Prof. Development
• Partnerships with Research Community
• Sustainability Plan
Five Review Criteria

1. Substantial need for project
2. Clear, appropriate and measurable deliverables
3. High-quality, logical, feasible activities & timeline
4. Effective management and governance plan
5. Personnel and financial resources

► All review criteria reviewers use to score applications are located on page 18 of the RFA.
Final Award Considerations

- Overall merit of the proposal, as determined by the peer review
- Responsiveness to requirements of this RFA
- Prior funding under this program
- Performance and use of funds under previous IES SLDS grants
- Funding available
Application Due Date

- December 15, 2011, 4:30:00 p.m., Washington, DC time
- Must be submitted electronically to the grants.gov site
- More information on the application submission process is available in the RFA under Section XVI. Submission Requirements
Frequently Asked Questions

Q  If we apply for Priority 2 (early childhood) or Priority 3 (postsecondary/workforce), does the K-12 SEA need to be the project director?

   **Answer:** No. It is strongly recommended that the State agency/institution most likely to implement the grant would be the project director and the primary organization expending the funds. Applications that do not reflect this structure will likely be scored lower.

Q  Would a Priority 2 (early childhood) or Priority 3 (postsecondary/workforce) system have to reside in the K-12 data system?

   **Answer:** No. States can build a separate data system for early childhood or postsecondary/workforce data that link to the State’s K-12 data system.
Questions?