

The Louisiana Department of Education (LDE) is committed to continuing to strengthen its privacy protections as policy and technology evolve. This guidance is intended to help local education agency leaders safeguard students’ personally identifiable information (PII) and increase transparency, including implementing requirements outlined in new student privacy legislation.

POLICY OVERVIEW

The legislature recently passed legislation, [Act 837](#), which provides for limitations and prohibitions on the collection and sharing of student information. Additionally, the legislature passed [Act 677](#), which requires that LDE and LEAs publish information on their websites about the sharing of students’ personally identifiable information. The law defines PII as information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual.

IMPLICATIONS FOR LEAS

Act 837 requires that LDE adjust all processes that require the exchange of PII with LEAs and that LEAs implement additional processes to protect student information. Act 677 requires both LDE and LEAs to publicize such transfers of information. LDE will support LEAs in implementing these requirements by providing guidance on the following questions that LEAs will need to answer in the coming months:

Act 837 Requirements	What this means for LEAs
Prohibits LEAs from requiring the collection of non-academic data about students such as political affiliation and religious practices.	<input type="checkbox"/> What processes currently rely on data that cannot be required? <input type="checkbox"/> If and how do these processes need to be adjusted?
Permits LEAs to share personally identifiable information about students with external entities after June 1, 2015 as long as the data sharing meets one of the law’s limited exceptions: <ul style="list-style-type: none"> • The parent has given written consent to share that information. • A person authorized by the state to audit processes, including student enrollment counts. • LEAs contract for student and other education services that include specific terms outlined in the law. 	<input type="checkbox"/> Does the school or LEA have a contract with a private entity for all processes that involve the sharing of students’ PII? <input type="checkbox"/> Do the contracts include the specific terms outlined in Act 837? <input type="checkbox"/> If and how do the contracts need to be modified to comply with Act 837? <input type="checkbox"/> What is the process by which the LEA will post these agreements to comply with Act 677 ?
Requires the Department to create a unique statewide student identifier system by May 1, 2015 . The unique student identifiers must not include or be based on social security numbers, and students must retain their unique identifier throughout their tenure in Louisiana public schools. The unique student IDs must be assigned to all students enrolled in public schools by June 1, 2015 .	<input type="checkbox"/> How will the LEA integrate their local student information systems with the unique statewide student identifier system? <input type="checkbox"/> How will the LEA ensure that transfer students from other LEAs will retain their unique identifier? <input type="checkbox"/> What is the role of schools in managing the unique identifier process when new students enroll?

<p>Prohibits anyone from accessing student information that is stored by schools or LEAs except authorized stakeholders such as parents, teachers, principals, superintendents, or a person authorized by the state to audit student records .</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Who currently has access to student information housed at schools and the LEA? <input type="checkbox"/> Does the LEA have a policy that governs who can access personally identifiable information about students? <input type="checkbox"/> Does the policy align with the data access limitations described in the legislation?
<p>Requires LEAs to gather parental consent annually for sharing PII with the Louisiana Office of Student Financial Assistance and postsecondary institutions through Board of Regents for purposes of financial aid and college admission.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> How will the LEA track parental consent in their local systems? <input type="checkbox"/> Are there additional processes for which the LEA should collect consent?
<p>Act 677 Requirements</p>	<p>What this means for LEAs</p>
<p>Mandates that LEAs publicize any sharing of students’ personally identifiable information on their websites by January 1, 2015.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> With which external persons and organizations is students’ PII shared? <input type="checkbox"/> Does the LEA have a data sharing agreement with these external entities that receive PII? <input type="checkbox"/> Do the agreements meet the contractual requirements described in Act 837? <input type="checkbox"/> Where will the LEA post the following information on its website? <ul style="list-style-type: none"> o Profile of each authorized recipient of students’ PII o Copy of signed agreement o Complete listing of data elements shared o Purpose for sharing data o Contact information of individual serving as primary point of contact o Process by which parents may register a complaint related to the unauthorized transfer of students’ PII <input type="checkbox"/> What is the process for making the required information available online no later than ten business days following execution of a new agreement?

IMPACT ON LDE’S FUNCTIONS

Act 837 will affect any process that currently involves sharing personally identifiable information about students. The following list is not exhaustive but does provide examples of how this legislation will affect current functions that LDE performs for LEAs:

LDE Function	Current Process	Questions LDE Will Answer
Assessment	LDE pre-grids assessments with social security number, full name, date of birth, and demographics.	What data elements can LDE collect and use to pre-grid assessments?
Compass	Teachers verify rosters with students’ social security number, full name, date of birth, and demographics.	What information about students will be included to assist teachers in verifying their rosters?

Special education	LDE and LEAs access students' personally identifiable information in SER to manage students' needs, ensure compliance, and report on special education services.	How can LEAs continue to use SER in its current capacity to serve students with special needs?
Official transcripts	LDE can print official transcripts for all students.	How can students continue to receive official transcripts with their full information?
MFP	LEAs submit social security number, full name, date of birth, and demographics to SIS .	What data elements can LDE collect to determine MFP allocations?

LOOKING AHEAD

To support the implementation of this new student privacy legislation, LDE will:

- **Issue a request for proposals and secure a vendor** to create a unique statewide student identifier system, assign student unique identifiers, modify LDE's systems, and provide training to State and LEA staff.
- **Identify processes** that currently require the sharing of personally identifiable information between LDE and LEAs. LDE expects that Act 837 will not affect the vast majority of LDE's interactions with LEAs in the 2014-2015 school year, including Fall and Spring assessment administration.
- **Provide guidance** to LEAs about how each of the processes will be affected and the actions the Department and LEAs will need to take.
- **Identify and clarify auditing processes** and the data required from LEAs to conduct quality audits.
- **Offer in-person regional training opportunities** on how to use and integrate local systems with the unique statewide student identifier system.
- **Communicate** regularly with all district level stakeholders about the transition process.

Additionally, LDE suggests that LEAs immediately:

- **Meet** with your data, technology, assessment, and special education leaders as well as other affected administrators to review the legislation and identify implications for your work.
- **Review the request for proposals** to better understand the functionality of the unique statewide student identifier system.
- **Review existing contracts and data sharing agreements** that involve the sharing of personally identifiable information about students to ensure they include the required terms.
- **Assess current levels of access** to your computer systems and ensure that authorized stakeholders have appropriate access to student information.