

LOUISIANA'S PLAN TO PROTECT STUDENT PRIVACY

September
2015

CONTENTS

INTRODUCTION	1
Shifting Responsibilities	1
LEA Actions	2
Changing Data Sharing Restrictions	3
Local Public School Board Policy	3
KEEPING STUDENT DATA PRIVATE, SECURE, & CONFIDENTIAL.....	3
What is Personally Identifiable Information (PII)?.....	3
Best Practices	4
Data Sharing Agreements	4
Louisiana Secure ID.....	5
Parental (or Student of Majority Age) Consent.....	5
PROCESS CHANGES FOR LEAS	6
Accountability.....	6
21st Century Afterschool Programs	6
Assessment	6
Data Collections, Submissions, and Support.....	8
Early Childhood.....	8
Homeless	9
Finance	9
Food & Nutrition.....	9
Special Education	9
Student Opportunities	10
Teacher Supports.....	10
APPENDIX A:	11
Federal and State Student Privacy Information.....	11
Federal.....	11
State.....	11
LDOE Access to PII Exception.....	12
APPENDIX B: LEA DATA SUBMISSION PROCESS.....	13
APPENDIX C: STS CREDENTIAL SUBMISSIONS	15
APPENDIX D: RESOURCES.....	16

INTRODUCTION

The Louisiana Department of Education (LDOE) is committed to ensuring the privacy, security, and confidentiality of student data while enabling that information to be used to improve student outcomes. This means doing more than complying with state and federal privacy laws. It entails adopting best practices in protecting student privacy that ensure sensitive information is treated as such. Because this is an evolving field, the biggest challenge facing the LDOE and districts is keeping pace with changes in policy and technology.

The legislature recently passed legislation, [R.S. 17:3914 \(Act 837 of 2014\)](#), which provides for limitations and prohibitions on the collection and sharing of student information. Additionally, the legislature passed [R.S. 17:3913 \(Act 677 of 2014\)](#), which requires that LDOE and local education agencies (LEAs) make available information about the transfer of students' personally identifiable information. These laws require that LDOE adjust all processes that require the exchange of personally identifiable information (PII) with LEAs and that LEAs implement additional processes to protect student information.

The intent of this guidebook is to provide guidance around implementing recent student privacy legislation while drawing on best practices that protect student information and support its use.

SHIFTING RESPONSIBILITIES

Ensuring the privacy, security, and confidentiality of student information is everyone's responsibility. Implementing best practices and new state legislation will require LDOE and local education agencies (LEAs) to work together to shift roles and assume new responsibilities including:

LDOE RESPONSIBILITIES	<ul style="list-style-type: none">• Create unique statewide student identifier system (Louisiana Secure ID)• Conduct audits as needed, including student enrollment counts• Train LEAs on how to use Louisiana Secure ID• Modify all processes that require personally identifiable information to comply with the legislation• Assist LEAs in resolving data submission and reporting issues as allowed by law
LEA RESPONSIBILITIES	<ul style="list-style-type: none">• Ensure students maintain their unique identifiers (Secure IDs) throughout their enrollment in Louisiana public schools• Conduct initial assignment of Secure IDs and maintain them, including deciding whether students should receive a new Secure ID or transfer an existing Secure ID• Collect and track parental consent• Ensure agreements are in place with entities that require the transfer students' personally identifiable information• Ensure no student PII is shared with LDOE unless otherwise allowed by law• Make available information about data transferred to external entities upon request

LEA ACTIONS

This guidebook provides a comprehensive summary of the impact of R.S. 17:3914 on LEAs and the actions they must take to implement these requirements and strengthen student privacy protections. LDOE has released resources to support LEAs in taking these steps list below. See [Appendix D](#) for current resources.

	OPT INTO DATA SHARING AGREEMENT	COLLECT PARENTAL OR STUDENT OF MAJORITY AGE CONSENT	ADJUST PROCESSES AND PROVIDE LOCAL SUPPORTS TO ACCOMMODATE LACK OF PII	PROVIDE PII TO LDOE IF REQUESTED FOR AUDIT PURPOSES
Accountability (p. 6)			<ul style="list-style-type: none"> ✓ Data certification for 15-16 school year and beyond 	<ul style="list-style-type: none"> ✓ Data certification
21st Century Afterschool Programs (p. 6)		<ul style="list-style-type: none"> ✓ Enroll new students 		
Assessment (p. 6)	<ul style="list-style-type: none"> ✓ DIBELS ✓ iSteep ✓ ACT ✓ EOC ✓ DSC ✓ 3-8 (Vendor TBD) 		<ul style="list-style-type: none"> ✓ TELD ✓ Any assessment without data sharing agreement ✓ Graduation waivers 	
Data Collections, Submissions, and Support (p. 8)	<ul style="list-style-type: none"> ✓ Louisiana Secure ID ✓ SER 		<ul style="list-style-type: none"> ✓ SIS ✓ STS ✓ TSDL 	
Early Childhood (p. 8)	<ul style="list-style-type: none"> ✓ GOLD™ by Teaching Strategies® ✓ AEPSi 			<ul style="list-style-type: none"> ✓ Part C to B monitoring
Finance (p. 9)				<ul style="list-style-type: none"> ✓ MFP
Food & Nutrition (p. 9)				<ul style="list-style-type: none"> ✓ Child Nutrition Program monitoring
Homeless (p. 9)			<ul style="list-style-type: none"> ✓ Homeless Tracking System 	<ul style="list-style-type: none"> ✓ Homeless disputes
Special Education (p. 9)			<ul style="list-style-type: none"> ✓ High cost services 	
Student Opportunities (p. 10)		<ul style="list-style-type: none"> ✓ TOPS and college admission ✓ Course choice ✓ NCCER ✓ JAG ✓ Student of the year ✓ Senate Youth Program 	<ul style="list-style-type: none"> ✓ CATE ✓ AOC waivers 	
Teacher Supports (p. 10)	<ul style="list-style-type: none"> ✓ EAGLE 		<ul style="list-style-type: none"> ✓ CVR and roster verification ✓ Compass (CIS) 	

CHANGING DATA SHARING RESTRICTIONS

In addition to shifting roles and responsibilities, LEAs are responsible for ensuring they share data in ways that are consistent with the law. In practical terms, this means that LEAs must abide by the following scenarios when sharing student information:

LEA to LDOE Vendors	<ul style="list-style-type: none"> • With agreements: Full information with Louisiana Secure ID • Without agreements: Partial Information (first letter of first name, first three letters of last name, day of birth) with Louisiana Secure ID
LEA to LDOE	<ul style="list-style-type: none"> • Partial Information (first letter of first name, first three letters of last name, birthday) with Louisiana Secure ID
LDOE PII Exceptions	<ul style="list-style-type: none"> • Superintendent authorization via local school board policy • Parent authorization or student of majority authorization • Audit functions

LOCAL PUBLIC SCHOOL BOARD POLICY

In addition to these shifting roles, new responsibilities, and changing data sharing restrictions, LEAs can work with local stakeholders and counsel to enact policy that governs data sharing:

- R.S. 17:3914 was amended to allow local public schools boards to adopt policy that determines what data can be provided or accessed to perform specific duties.
- LEAs should work with local stakeholders and counsel to enact this policy.
- Local school board policy cannot contravene federal policy.
- Local policy should be consistent with previous definitions of directory information.

This policy can be used to address common school-based processes that require data sharing like **posting student information** in school buildings, **hiring school photographers**, and **printing graduation programs**.

KEEPING STUDENT DATA PRIVATE, SECURE, & CONFIDENTIAL

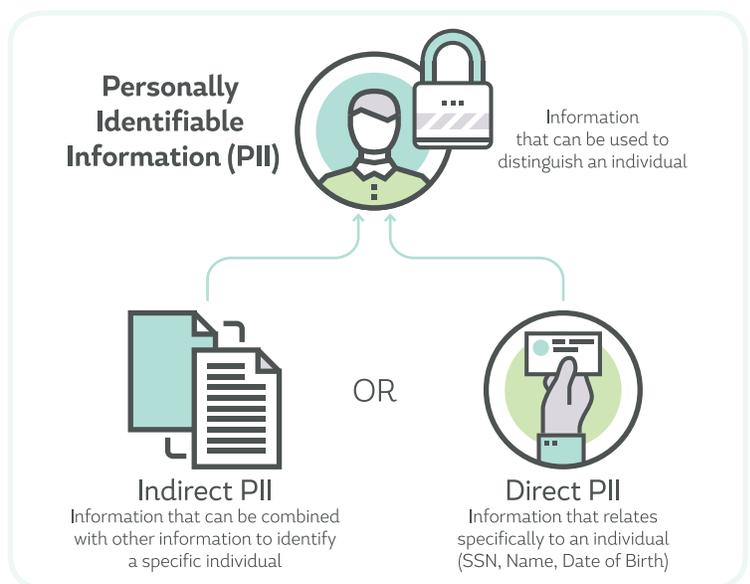
WHAT IS PERSONALLY IDENTIFIABLE INFORMATION (PII)?

There are different types of student information, the most sensitive of which is personally identifiable information (PII), illustrated below. State and federal student privacy laws are primarily intended to protect PII. For example, R.S. 17:3914 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, including but not limited to the following:

- Any information that can be used to distinguish or trace an individual's identity such as full name, social security number, date and place of birth, mother's maiden name, or biometric records.
- Any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.
- Two or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.

The law also defines aggregate data as, "statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals." Louisiana's student privacy legislation only applies to personally identifiable information, not aggregate data.



BEST PRACTICES

As advocates for students, everyone is responsible for protecting student privacy. By participating in the following practices, LDOE and LEAs can ensure that students' personally identifiable information is not inappropriately disclosed, thereby protecting their right to privacy:

- **Increased Security:** Only authorized users with a legitimate educational need are permitted to access student PII. This access must be in compliance with the law, and any actions accessing personally identifiable information should be tracked and audited. Additionally, specific practices should be employed to ensure security and confidentiality of student records including but not limited to the following:
 - » **Protect visibility** of reports and computer monitors when displaying and working with confidential information.
 - » **Lock or shut down workstations** when left unattended for any amount of time.
 - » **Store data in a secure location.** Physical data (including hard copies of reports, storage media, notes, backups) should be protected from unauthorized persons, or locked away when not in use.
 - » **Shred and/or destroy paper and electronic files** when no longer needed, in accordance with the record retention and destruction policy.
 - » **Do not share passwords** with anyone, and only authorized staff members should use their designated user accounts.
 - » **Transmit sensitive data securely,** including using Secure File Transfer Protocol (sFTP). Do not fax confidential data if the area is not secured.
 - » **Stamp or otherwise mark confidential** reports or media containing confidential information prior to their release. The envelope containing the information should also indicate that the contents are confidential.
- **Data sharing agreements:** Per R.S. 17:3914, LEAs can share data with external entities for the purposes of student or educational services; however, data sharing agreements must be established. These agreements should address possible security breaches as well as the ability to perform security audits as outlined in R.S. 17:3914. To continue to participate in statewide contracts that require personally identifiable information, LEAs can opt into statewide contracts between the LDOE and the vendor via [addenda](#).

- **Transparency:** The LDOE is required to post all data sharing agreements per R.S. 17:3913 that involve the transfer of students' personally identifiable information to increase public awareness. LEAs are required to make such agreements available upon request.
- **Training:** Authorized users should receive training on security and privacy. This training should ensure that users understand the federal and state laws surrounding the confidentiality of student data as well as best practices to protect student data.
- **Process Changes:** LEAs and LDOE will adjust communication, submission, and collection processes to ensure compliance with the law. Specifics are covered in the sections that follow.

DATA SHARING AGREEMENTS

Contracts and data sharing agreements are important tools to hold third-party entities accountable for protecting student information. R.S. 39:1714 permits:

A city, parish, or other local public school board may contract with a public or private entity for student and other education services, and pursuant to such contract, student information, including personally identifiable information and cumulative records, may be transferred to computers operated and maintained by the entity for such purpose.

However, these contracts and agreements must include terms required in the law that address issues like authorizing data access, ensuring privacy compliance, planning for security breaches, and storing and disposing data when they are no longer needed. For statewide contracts, LDOE will post [data sharing agreements](#) to which LEAs may opt in to continue sharing students' PII, including:

- eScholar (Louisiana Secure ID)
- Pacific Metrics (EAGLE and end-of-course exams)
- ACT
- Brookes (AEPSi)
- Red-e-Set grow (Development Skills Checklist)
- GOLD™ by Teaching Strategies®
- University of Oregon (DIBELS)
- iSTEEP

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs shared students' PII with external entities by executing agreements as required by FERPA. LEAs shared students' PII with LDOE's contractors without executing data sharing agreements.	LEAs can only share PII with external entities for, "student or other education services," including with LDOE's contractors. The contract must include required terms outlined in R.S. 17:3914.	<ul style="list-style-type: none"> • Execute agreements with LEA vendors • Opt into data sharing agreements with LDOE vendors that include the required terms in R.S. 17:3914.

LOUISIANA SECURE ID

Louisiana historically used social security numbers to identify students; however, Louisiana has transitioned to student-level data systems that use a unique identifier as its primary identifier in lieu of social security numbers to protect student information.

Louisiana made this transition while preserving and protecting student information by launching Louisiana Secure ID, a system that LEAs should use to assign and manage unique student identifiers. The identifiers are ten numeric digits and will serve as the primary key for all future data submissions to LDOE. In this process, LEAs assumed a new area of responsibility of assigning and maintaining unique student identifiers.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs and LDOE used social security number as the primary key to exchange student-level data.	LEAs and LDOE will use Secure IDs as the primary key to exchange student-level data.	<ul style="list-style-type: none"> • Continue to assign and resolve Secure IDs for all students enrolled in Louisiana public schools.

PARENTAL (OR STUDENT OF MAJORITY AGE) CONSENT

LEAs have long collected parental consent to share students' PII with external entities, and providing families and students with choices about what happens with their information is a core issue in student privacy. R.S. 17:3914 reinforces the right of a parent to determine what happens with his/her child's data in that it:

- Permits LEAs to share personally identifiable information about students with external entities if the parent has given written consent to share that information.
- Requires parents to give consent to share data with the Louisiana Office of Student Financial Assistance (LOSFA) and Board of Regents (BOR) for students to be considered for financial aid, including TOPS, and post-secondary admission. Once consent is given, it is valid until otherwise revoked.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs could disclose data to third parties for voluntary participation in programs.	LEAs can disclose data to third parties for voluntary participation in programs only if the parent has given consent.	<ul style="list-style-type: none"> • Continue collecting parental consent for voluntary participation in student programs.
High school students were automatically eligible for financial aid opportunities, including TOPS, and consideration for postsecondary enrollment.	R.S. 17:3914 now requires parents to give consent to share data with LOSFA and BOR for students to be considered for these opportunities. Personally identifiable information in Louisiana Secure ID will only be disclosed for students with consent.	<ul style="list-style-type: none"> • Collect and report parental consent for students in grades 8-12.

PROCESS CHANGES FOR LEAS

In addition to the new requirements described above, LEA teams will also experience changes to existing processes. The following section outlines the key process changes and action steps for each LEA office as a direct result of the implementation of [R.S. 17:3914 \(Act 837 of 2014\)](#).

ACCOUNTABILITY

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
<p>LEAs reviewed and disseminated student rosters provided by LDOE for data certification. The rosters included PII, and LEAs corrected and submitted necessary documentation to an online system.</p> <p>This includes data certification for:</p> <ul style="list-style-type: none"> assessment dropout credit accumulation index high school progress points ACT K-8 progress points cohort graduation rate 	<p>LDOE will provide student rosters to LEAs without students' PII for the 15-16 school year and beyond.</p> <p>The rosters will include:</p> <ul style="list-style-type: none"> Secure IDs First letter of first name and first three letters of the last name Day of birth Demographic information. <p>LEAs will continue to submit necessary documentation, including students' PII if needed.</p>	<ul style="list-style-type: none"> Communicate to schools process for reviewing student rosters without personally identifiable information. Provide necessary documentation that could include students' PII as part of the auditing exception.

21ST CENTURY AFTERSCHOOL PROGRAMS

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
<p>21st Century Community Learning Centers student enrollment process utilized PII.</p>	<p>LEAs will obtain parental consent prior to sharing PII with Youth Services.</p>	<ul style="list-style-type: none"> Obtain parental consent.

ASSESSMENT

The impact of R.S. 17:3914 affects three key phases of assessment: administration, validation, and reporting.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
ADMINISTRATION		
<p>LDOE prepopulated test forms with PII or LEAs entered PII into data systems for the following assessments:</p> <ul style="list-style-type: none"> DIBELS iSteep ACT EOC DSC 3-8 (Vendor TBD) 	<p>LEAs will continue to receive prepopulated test forms or input student information, including PII, into these systems by opting into a data sharing agreement. LDOE will not see the PII.</p>	<ul style="list-style-type: none"> Opt into the data sharing agreement and continue receiving prepopulated test forms with PII or entering student information, including PII, into these systems.
<p>LEAs entered student information, including PII, into TELD system.</p>	<p>LEAs will not enter PII into the TELD system. They will provide a student's Secure ID or local ID, first letter of first name, first three letters of last name, and age at the time of the assessment.</p>	<ul style="list-style-type: none"> Communicate with schools that they will no longer provide PII to TELD.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
<p>Teachers and test administrators distributed test booklets and administered assessments using students' PII.</p>	<p>Teachers and test administrators distribute test booklets and administer assessments to individual students without using students' PII unless the LEA opts into a data sharing agreement.</p>	<ul style="list-style-type: none"> • Opt into data sharing agreements with assessment vendors if LEAs want teachers and test administrators to have personally identifiable information. • Prepare student roster crosswalks for teachers and test administrators if LEAs do not opt into data sharing agreements.
<p>School leaders or students provided PII if the test booklet or online system was not prepopulated with their information.</p>	<p>School leaders or students will provide limited information if the test booklet or online system is not prepopulated with their information unless the LEA opts into a data sharing agreement.</p>	<ul style="list-style-type: none"> • Opt into data sharing agreements with assessment vendors if LEAs want school leaders or students to provide PII. • Ensure teachers and test administrators follow the appropriate instructions when administering assessments depending on whether the LEA has signed a data sharing agreement.
VALIDATION		
<p>Students' assessment records were merged between phases and across school years using students' PII.</p>	<p>Students' assessment records will be merged between phases and across school years without using students' personally identifiable information unless the LEA opts into a data sharing agreement.</p>	<ul style="list-style-type: none"> • Opt into data sharing agreements with assessment vendors if LEAs want to use personally identifiable information to merge student records.
<p>LDOE responded to test security violations using students' PII.</p>	<p>LDOE will respond to test security violations using limited student data.</p>	<ul style="list-style-type: none"> • Report potential test security violations using limited student information.
<p>LEAs submitted graduation waivers using student transcript information and PII.</p>	<p>LEAs will submit graduation waiver requests with the Secure IDs and limited student data.</p>	<ul style="list-style-type: none"> • Use Secure IDs.
REPORTING		
<p>ACT sent colleges and employers ACT and WorkKeys student performance information when families gave consent to assist students in applying for college or employment.</p>	<p>ACT will send colleges and employers information on students' performance on ACT and WorkKeys if families give consent or LEAs opt into data sharing agreement.</p>	<ul style="list-style-type: none"> • Opt into data sharing agreements with ACT if LEAs want to share student information to apply for college or employment. • Collect parental consent to allow ACT to send colleges and employers information on students' performance
<p>LEAs provided parents with score reports with students' personally identifiable information.</p>	<p>Parents will receive score reports without students' personally identifiable information unless the LEA opts into a data sharing agreement.</p>	<ul style="list-style-type: none"> • Opt into data sharing agreements with assessment vendors if LEAs want parents to receive score reports with students' PII. • Communicate with parents about what they can expect on the score reports depending on whether the LEA has signed a data sharing agreement.

DATA COLLECTIONS, SUBMISSIONS, AND SUPPORT

LEAs will continue to submit student-level information to systems like Student Information System (SIS), Student Transcript System (STS), and Teacher Student Data Link (TSDL); however, that data must not contain students' PII. The chart below depicts a summary of the changes that LEAs must make to accommodate these new requirements:

DATA ELEMENT	FORMER STORAGE	NEW STORAGE
State identifier	Social security number	Secure ID
Last name	Full last name	First three letters of last name
Suffix	Full suffix	Null
First name	Full first name	First letter of first name
Middle name	Full middle name	Null
Birth date	Full birth date	Day of birth only

All PII data will now be submitted to Louisiana Secure ID instead of LDOE. It is important for LEAs to keep their local student information system aligned with this system. Because the Louisiana Secure ID and student non-PII data (LEA, School, Local ID, etc.) will be validated when submitting data to LDOE systems, misalignment will cause data load errors.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs submitted students' personally identifiable information to LDOE systems like SIS, STS, SER, and TSDL and resolved data submission errors and located dropouts using LDOE reports that included students' PII.	<p>LEAs submit students' personally identifiable information to Louisiana Secure ID. See Appendix B Stage I</p> <p>LEAs submit student-level data that does not include students' personally identifiable information to systems like SIS, STS, SER, and TSDL. See Appendix B Stage II</p> <p>LEAs will have to resolve issues using the students' Secure IDs and other non-PII information.</p> <p>LEAs will have to submit STS credentials (See Appendix C STS Credential Submission) and retrieve food stamp match files using an eScholar FTP site. The Official Transcript System will continue to produce transcripts with students' PII; LDOE will not have access to the PII.</p>	<ul style="list-style-type: none"> • Prepare data submissions and retrievals that align with law. • Prepare to review reports that will no longer contain student PII.
LEAs provided LDOE with students' PII such as name and date of birth when requesting assistance.	LEAs should only provide the students' Secure IDs and limited student data when requesting assistance, unless otherwise allowed by law.	<ul style="list-style-type: none"> • LEAs should only provide a student's Secure ID and limited data unless otherwise allowed by law.

EARLY CHILDHOOD

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs submitted information to AEPSi including PII, entry assessment within 6 weeks after child's 3rd birthdate or program entry, and exit assessment within 6 weeks prior to 6th birthday to comply with federal reporting.	LEAs will continue submitting information to AEPSi including PII, entry assessment within 6 weeks after child's 3rd birthdate or program entry, and exit assessment within 6 weeks prior to 6th birthday or exit from LEA program to comply with federal reporting by opting into a data sharing agreement.	<ul style="list-style-type: none"> • Opt into data sharing agreement to continue submitting data to AEPSi.

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LDOE contacted LEAs when they were out of compliance with Part C to B requirements using students' personally identifiable information.	LDOE will contact LEAs when they are out of compliance with Part C to B requirements using students' Secure IDs.	<ul style="list-style-type: none"> • Provide required documentation requested by LDOE.
LEAs entered students' personally identifiable information in GOLD™ by Teaching Strategies® .	LEAs will continue to enter students' personally identifiable information in GOLD™ by opting into a data sharing agreement. If LEAs do not opt into a data sharing agreement, they will not be able to submit new data to GOLD™ .	<ul style="list-style-type: none"> • Opt into data sharing agreement with Teaching Strategies to continue submitting data to GOLD™.

HOMELESS

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs submitted homeless data to the Homeless Tracking System(HTS) in SIS and addressed disputes with LDOE using students' PII.	LEAs will submit homeless data to HTS that includes Secure IDs and limited student data. LEAs will continue to provide necessary documentation to LDOE that may include PII to address disputes.	<ul style="list-style-type: none"> • Submit Secure IDs and limited data to HTS • Provide necessary documentation that could include students' PII as part of the dispute process as allowed by law.

FINANCE

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
Type 2 charter schools and special schools (NOCCA, LSMSA, LSDVI, and SSD) submitted addresses to SIS to calculate charter funding by residency. SIS verified alignment of zip codes and reside codes, and rejected misaligned data.	Type 2 charter schools and special schools will submit addresses to Louisiana Secure ID and submit only zip codes and reside codes to SIS. Misaligned codes will be rejected by SIS. Two times prior to the close of SIS, LDOE will verify select addresses and LEA residency using mapping software as part of the auditing exception. During the annual MFP audits, LDOE will verify residency for any students in Type 2 Charter schools or Special Schools selected for review through an examination of the address and documents maintained by the schools to support residency location as part of the auditing exception.	<ul style="list-style-type: none"> • Submit addresses to Louisiana Secure ID instead of SIS. • Submit zip codes and reside codes to SIS. • Resolve address conflicts prior to the close of SIS.

FOOD & NUTRITION

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
During child nutrition site visits conducted by LDOE , schools identified eligibility of each enrolled child as Free, Reduced, or Paid for meals received.	During child nutrition program site visits conducted by LDOE, LEAs and LDOE will use Secure IDs to communicate about specific students.	<ul style="list-style-type: none"> • Use students' Secure IDs to identify students.

SPECIAL EDUCATION

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
LEAs submitted high cost services applications to LDOE with PII. The PII allowed LDOE to look up student IEPs to confirm application alignment with the IEP.	LEAs will submit high cost services applications with only the Secure ID to LDOE. LDOE will use the secure ID to look up IEPs to confirm application alignment with the IEP. LDOE will not have access to PII.	<ul style="list-style-type: none"> • Use Secure ID for all high cost services applications.

STUDENT OPPORTUNITIES

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
Counselors registered students for course choice using PII without obtaining parental consent.	Counselors must obtain parental consent prior to registering students for course choice using PII.	<ul style="list-style-type: none"> • Obtain parental consent.
LEAs entered student information, including PII, into NCCER or other Industry Systems .	LEAs will obtain parental consent prior to submitting PII into the industry systems.	<ul style="list-style-type: none"> • Obtain parental consent.
LEAs entered student information, including PII, into CATE. LDOE sent STS and SIS data to CATE.	LEAs will use Secure IDs when entering data into CATE. De-identified SIS and STS data will be shared with CATE.	<ul style="list-style-type: none"> • Use Secure IDs when entering data into CATE.
LEAs submitted AOC waivers using student transcript information and PII.	LEAs will submit AOC waivers requests via the LDOE AOC Waiver Request Form, using the Secure ID.	<ul style="list-style-type: none"> • Use Secure IDs.
LEAs entered student information, including PII, into National JAG .	LEAs will collect consent prior to submitting information into National JAG.	<ul style="list-style-type: none"> • Continue obtaining parental consent.
IBC information was submitted to STS and CATE.	IBC information will be uploaded to an FTP site hosted by the same vendor that hosts Louisiana Secure ID.	<ul style="list-style-type: none"> • Upload IBCs to FTP site
Students completed Student of the Year and Senate Youth Program applications containing student information, including PII.	LEAs will obtain parental consent prior to students completing Student of the Year and Senate Youth Program applications containing student information, including PII.	<ul style="list-style-type: none"> • Obtain parental consent.

TEACHER SUPPORTS

PRIOR YEAR PROCESSES	PROCESSES FOR 2015-2016 & BEYOND	LEA ACTIONS
Teachers, principals, and district supervisors verified classroom rosters in LDOE's CVR for the purpose of providing transitional student growth data to teachers.	Teachers, principals, and district supervisors will verify classroom rosters using Secure ID and de-identified student information.	<ul style="list-style-type: none"> • Communicate to teachers, principals, and district supervisors about verifying rosters with Secure IDs and de-identified student information.
Teachers and principals entered student learning targets into LDOE's Compass Information System (CIS) outlining academic goals for the school year, which could include students' PII. Student transitional growth data reports contained PII.	Teachers and principals can enter student learning targets into CIS but should not use students' PII. Student transitional growth data reports will contain Secure IDs and limited student information.	<ul style="list-style-type: none"> • Provide guidance to teachers and principals that they should not use student PII when setting student learning targets, and communicate to teachers, principals, and district supervisors that reports in CIS will not include students' PII.
LEAs entered student information, including PII, into EAGLE .	LEAs will opt into the Pacific Metric EAGLE MOU and continue to input student information, including PII, into EAGLE. LDOE will not be able to see student PII.	<ul style="list-style-type: none"> • Opt into data sharing agreement.

APPENDIX A:

FEDERAL AND STATE STUDENT PRIVACY INFORMATION

FEDERAL

Prior to the passage of R.S. 17:3914 and R.S. 17:3913, the **Family Educational Rights and Privacy Act** (FERPA) served as the primary legislative mandate related to student privacy. However, if state legislation is more restrictive, state law prevails over federal law. In almost every instance, R.S. 17:3914 is more restrictive than FERPA, so the state and LEAs must comply with state law.

An important exception to this is when federal law is stated in mandatory terms as a state law cannot take precedence. This is the case for the mandate that LEAs share students' information with military and college recruiters. Federal law (20 U.S.C. 7908) requires LEAs to provide college and military recruiters students' names, addresses and telephone numbers unless a parent (or student of majority age) opts out; therefore, schools can continue to provide student directory information, which must be defined by LEAs, to military recruiters.

STATE

The legislature recently passed two pieces of legislation in **2014 to address student privacy, Acts 837 and 677**. These bills were amended in 2015 to address implementation issues based on LEA feedback

ACT 837 OF 2014: PROVIDES FOR LIMITATIONS AND PROHIBITIONS ON THE COLLECTION AND SHARING OF STUDENT INFORMATION.	ACT 228 OF 2015: AMENDED ACTS 837 AND 677 OF 2014 TO ADDRESS IMPLEMENTATION ISSUES.
Prohibits LEAs from requiring the collection of non-academic data about students such as political affiliation and religious practices.	
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 with a private entity for student and other education services that include specific terms outlined in the law. 	<ul style="list-style-type: none"> • Extends the deadline for restricting LEAs from sharing students' personally identifiable information to August 1, 2015. • Permits LEAs to enter into contracts that require the sharing of students' PII with public entities in addition to private entities • Permits LEAs to provide PII to LDOE to complete or correct data submissions prior to the 2015-16 school year • Permits local public schools boards to adopt a policy to govern providing or giving access to students' records to someone authorized by the superintendent
Requires LDOE 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 .	Extends the deadline for LEAs to assign unique student identifiers to all students enrolled in Louisiana public schools to August 1, 2015 .
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.	
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.	Extends parental consent to share students' PII for purposes of financial aid or postsecondary admission until such consent is withdrawn in writing.
Unlawful disclosure of personally identifiable student information is punishable by a fine of not more than ten thousand dollars or imprisonment for not more than three years, or both.	

ACT 677: REQUIRES THAT LDOE AND LEAS PUBLISH INFORMATION ON THEIR WEBSITES ABOUT THE TRANSFER OF STUDENTS' PII.

Mandates that LEAs publicize any transferring of students' personally identifiable information on their websites by January 1, 2015 and add publish new agreements within ten days of their execution.

ACT 228 OF 2015: AMENDED ACTS 837 AND 677 TO ADDRESS IMPLEMENTATION ISSUES BASED ON LEA FEEDBACK.

Requires LEAs to make available at the main office of the governing authority information about the transfer of personally identifiable student information

LDOE ACCESS TO PII EXCEPTION

R.S. 17:3914 restricts LEAs from sharing students' personally identifiable information with LDOE beginning August 1, 2015, unless it meets one of the laws limited exceptions:

- **LEA Superintendent/Charter Leader Authorization** – A person authorized by an LEA superintendent to perform his duties as adopted by local school board policy.
- **Parental or Legal Age of Majority Consent** – A parent gives written consent to share PII for a specific purpose.
- **Audit** – A person authorized by the state to perform audits, including enrollment counts.

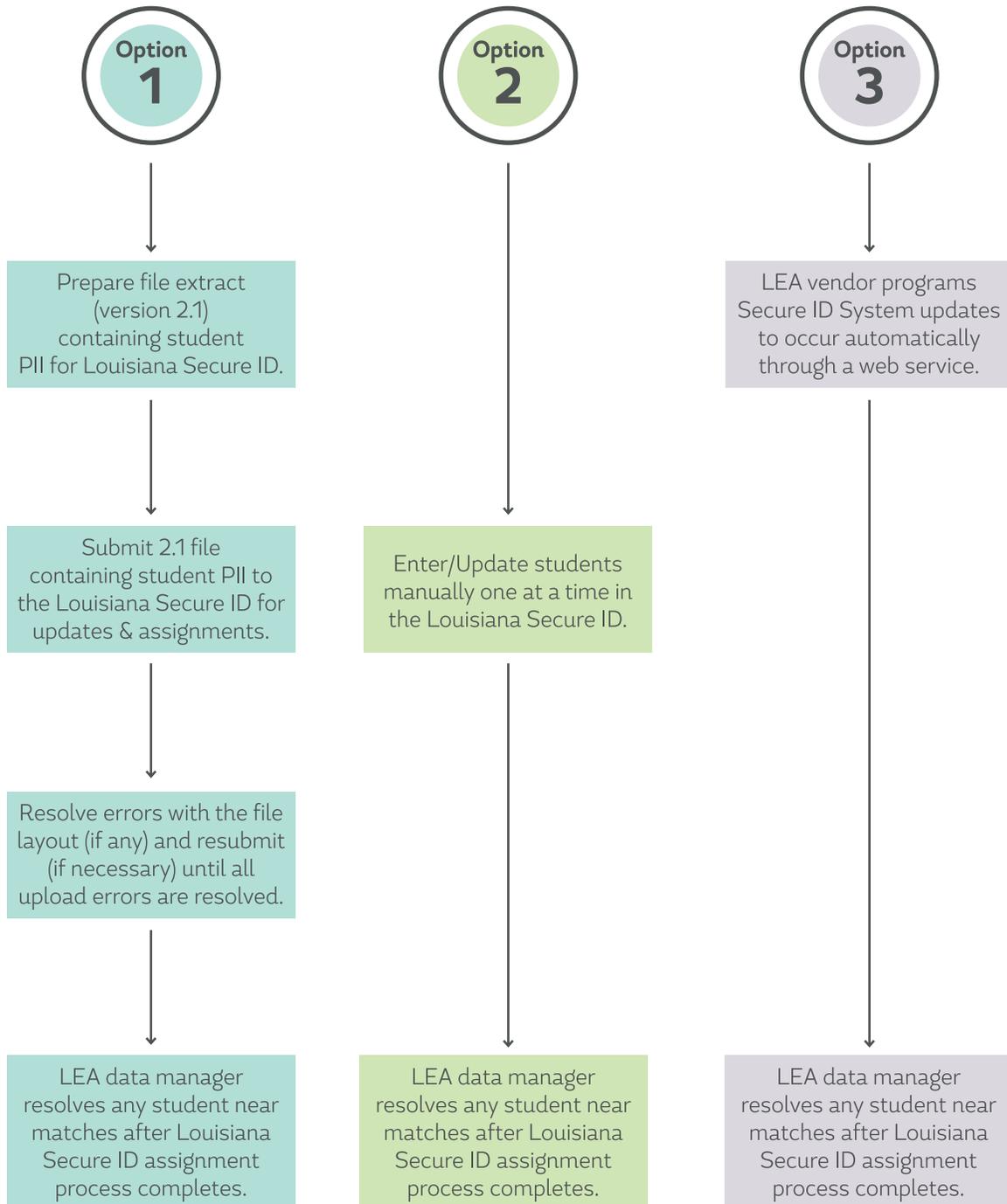
Regarding state audits, the law addresses this in three ways:

1. LEAs may, "Provide to the state Department of Education, for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements, information from which enough personally identifiable information has been removed such that the remaining information does not identify a student and there is no basis to believe that the information alone can be used to identify a student. No official or employee of the state Department of Education shall share such information with any person or public or private entity..."
2. LEAs may, "Provide personally identifiable information regarding a particular student to any person or public or private entity... if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts."
3. "The following persons may access a computer system of a city, parish, or other local public school system on which student information for students from throughout the system is stored: a person authorized by the state to audit student records."

APPENDIX B: LEA DATA SUBMISSION PROCESS

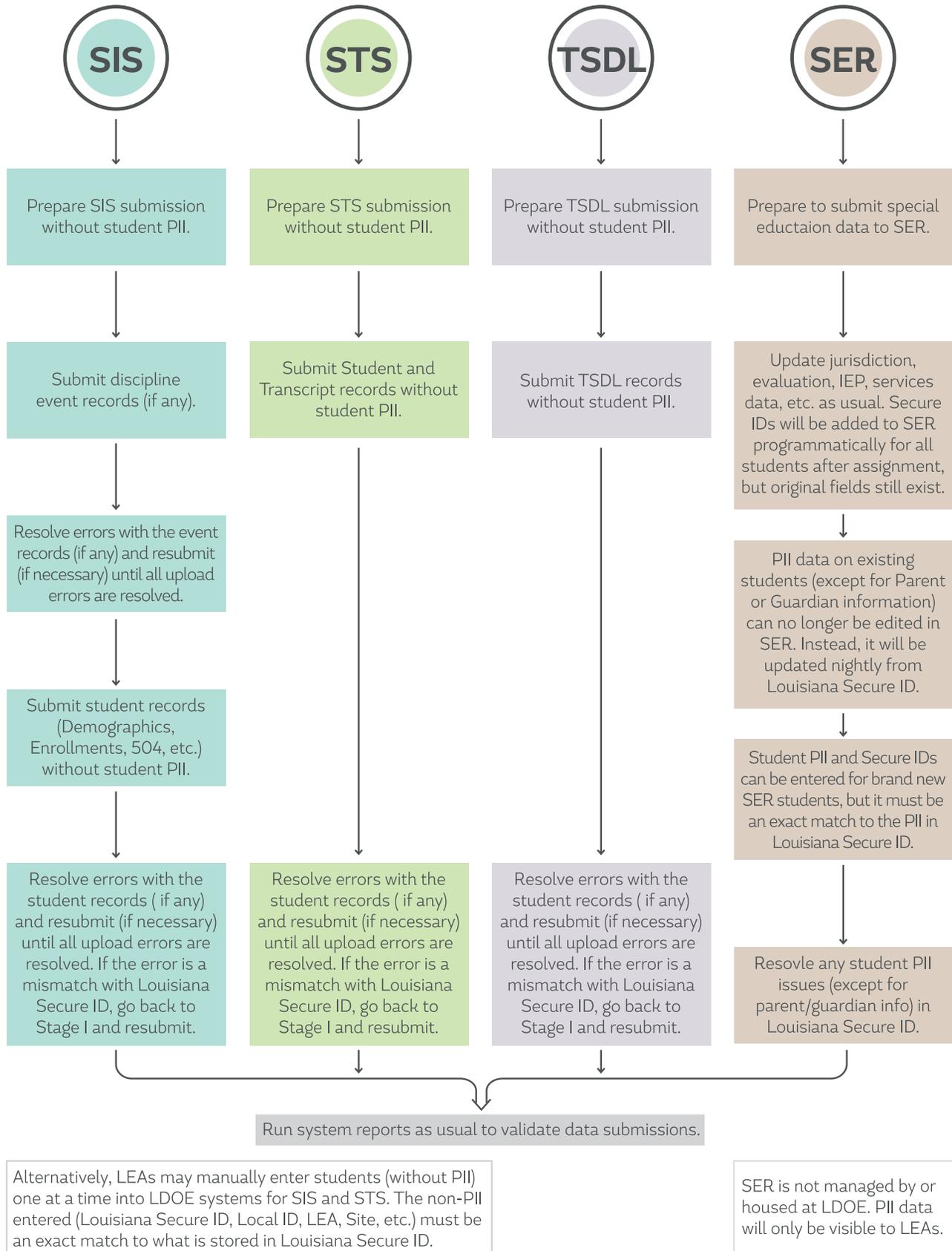
Stage I is completed through the [Louisiana Secure ID](#) – 2.1 file format located [here](#).

Stage I: Secure ID Assignments and Updates

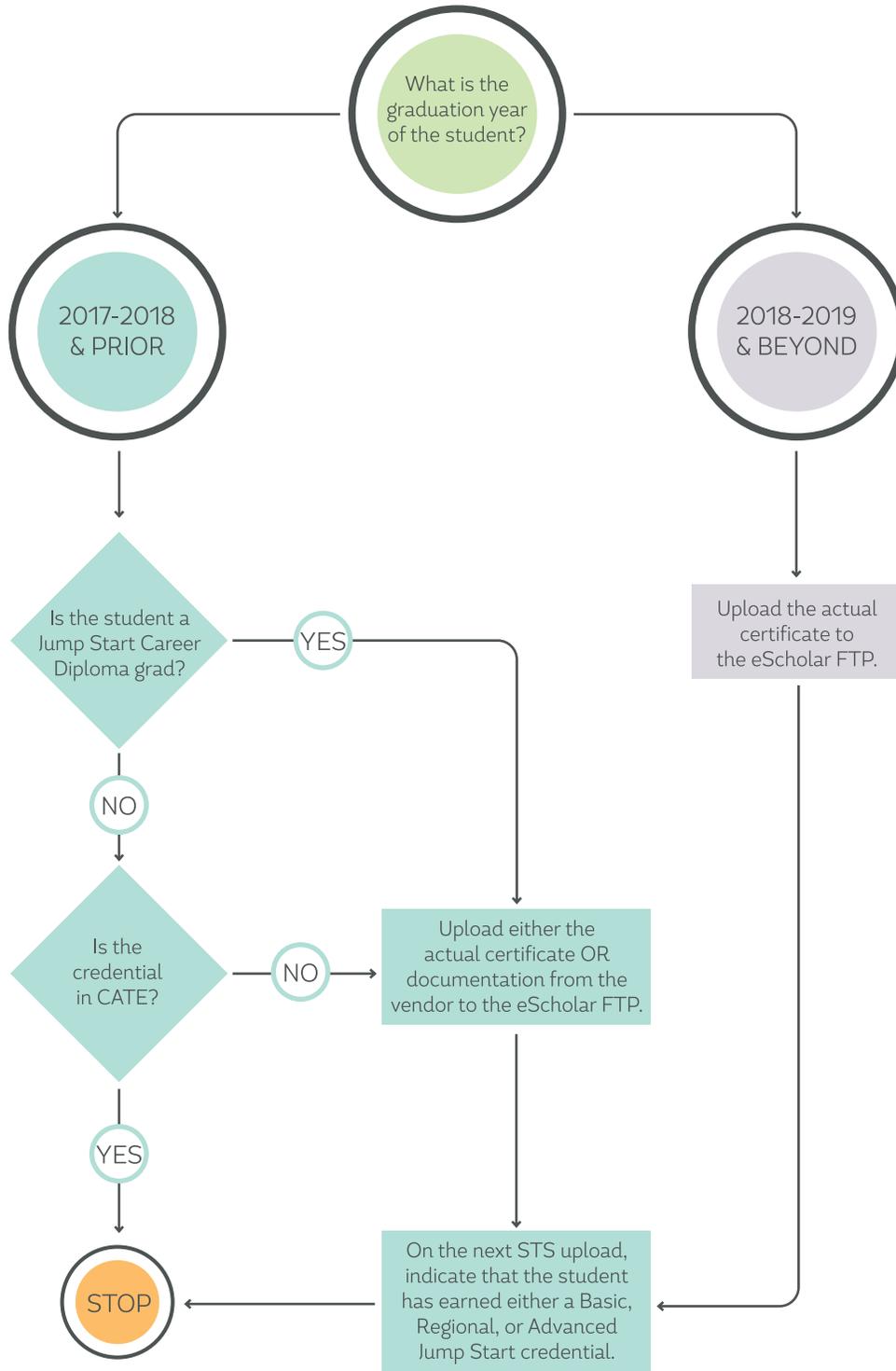


Stage II is completed through [LDOE Systems](#) – non-PII file formats located [here](#).

Stage II: LDOE Data Submissions



APPENDIX C: STS CREDENTIAL SUBMISSIONS



APPENDIX D: RESOURCES

[Act 837 and 677 Policy Guidance](#)

[LOSFA and BOR parental consent form](#)

[Parental consent guidance and systems documentation](#)

[Template parental consent form](#)

[Standard contract language from St. Tammany Parish](#)

[Louisiana Secure ID file format](#)

[SIS and STS record layouts](#)

[Act 837 June 1 Implementation](#)

[Act 837 Amendments Implementation](#)

