



PERSONALLY IDENTIFIABLE STUDENT DATA PRIVACY

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Personally identifiable information (PII) is information that can be used to trace or identify an individual. In Colorado K-12 education, the term refers to student data collected and retained by public schools and school districts, and maintained by the Colorado Department of Education (CDE). This *Issue Brief* provides an overview of state and federal student data privacy laws.

Data collection and storage. Data collection begins when a child first enrolls in a Colorado public school. A student's biographical information is input into CDE's Record Integration Tracking System and the student is given a state-assigned student identification (SASID) number. This number will be used to track the student throughout his or her enrollment. The department maintains both biographical and demographic data on students. Some information is associated with students' names and is therefore considered PII. See Table 1 for the personally identifiable information retained by the department. Other data, such as information for middle and high school students collected via the Healthy Kids Colorado survey, are collected anonymously and therefore not considered PII.

PII maintained by CDE is stored and secured on servers at the department's headquarters in Denver. Department employees regularly monitor the servers for unauthorized access attempts in order to prevent data breaches and ensure data security.

Colorado law. State law imposes data privacy restrictions on local education providers (LEPs), businesses that have formal contracts with CDE or an LEP (contract providers), and businesses that an LEP or its employees use without entering into a formal contract (on-demand providers). LEPs must adopt student information and privacy policies and take certain actions in the event of a data security breach. State law prohibits the use of data in marketing and spells out the rights of parents, including the right to review their children's data, request copies, or request corrections to factually inaccurate data. Governing boards of LEPs must adopt policies for hearing complaints regarding data policies.

State law also requires that the State Board of Education (SBE) make publicly available a dictionary of the current student data elements it maintains, and ensure that agreements with research organizations involving the disclosure of student data meet certain requirements. CDE must also follow certain rules when departmental contracts involve access to PII and it has developed a data security template and a process to consider and review all outside requests for student data by individuals not employed by the state. CDE may only share juvenile delinquency or criminal information, medical records, student social security numbers, student biometric information, or student data requested by agencies outside of Colorado under certain conditions. CDE must also have in place policies and procedures to comply with federal privacy laws.

Table 1
Personally Identifiable Information Collected by the Colorado Department of Education

| Data Collected on Every Student | Data Collected on Participants in Specific Programs |
|---|--|
| Student Demographics <ul style="list-style-type: none"> • Name • Birth date • Race/ethnicity • Gender • Enrollment • State-Assigned Student Identifier (SASID) • School • District • Grade level • Entry/exit date/type • Courses completed • Course educator ID | Early Childhood <ul style="list-style-type: none"> • Enrollment start/end dates • Early childhood assessments Special Education <ul style="list-style-type: none"> • Disability/gifted type(s) • Services received • Discipline incidents • Parent contact information • Select data from Individualized Education Program (IEP) |
| Program Participation <ul style="list-style-type: none"> • Title I • Special education/gifted & talented • Free/reduced lunch • English language learner • Migrant status | Migrant <ul style="list-style-type: none"> • Certificate of eligibility • Services received Career and Technical Education <ul style="list-style-type: none"> • Participation/concentration |
| State Assessments (for assessed students) <ul style="list-style-type: none"> • Scores/results (TCAP, CMAS, PARCC) • Testing accommodations • Growth percentiles • ACT (11th grade) results • Alternative/special needs test results (CoAlt) | Concurrent Enrollment <ul style="list-style-type: none"> • Participating institution |

Source: Colorado Department of Education

Federal law. The federal law controlling access to student information is the Family Educational Rights and Privacy Act (FERPA).¹ FERPA applies to all schools that receive federal funds and gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless it is impossible for parents or eligible students to review the paper records on site. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a

formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student may place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record, with certain exceptions.

Schools may disclose directory information without consent. However, schools must tell parents and eligible students about directory information and allow parents and eligible students to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA.

¹20 U.S.C. § 1232g