



FERPA/IDEA and Data Security and Child Safety, Oh My!

2018 Improving Data, Improving Outcomes
Conference

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Baron Rodriguez - Privacy Technical Assistance Center

Kala Surprenant – U.S. Department of Education

United States Department of Education
Privacy Technical Assistance Center



Why you may be here:

- You have a working knowledge of FERPA, IDEA, and/or data security but you are ready to take that next step from comfortable, to somewhat dangerous with your expertise!
- You want a chance to work through some real-life examples of IDEA or FERPA confidentiality
- Your flight doesn't take off until late afternoon and you need an air conditioned place to sit until you have to leave for the airport

Participant Discussion:

- What kind of training does your staff get in:
 - IT Security
 - FERPA and/or IDEA Training
- How often are you training them?
- How are you training your volunteers, your substitutes, your student teachers?

Scenario 1 – Divorced Parents

Jack and Diane, two young people from the American heartland fall in love and get married. After 10 years, and two kids, they grow apart and get divorced. Jack moves to California and Diane stays in Cudahy, gets remarried and has sole custody of the kids.

Concerned about how his children are doing, Jack asks for access to his children's education records. Knowing that he doesn't live with his children the provider denies the request. Did the provider do the right thing?

Scenario 2 – School Employee

Mary is an IT professional for the EC provider. Part of her job requires doing system updates for the birth to five tracking system, as such she has full administrative access. Her sister Beth's children all go to ABChildcare. Recently, her niece comes home with bruises and her niece says that some other child pushed her but won't say with who. Frustrated, Beth calls Mary and asks her to look up in the system to see if she can find out who the other child is. Mary goes into the system and finds the discipline incident report for the incident and lets Beth know the name of the child her niece got pushed by. Beth then calls that child's parents up to discuss the incident. Is what Mary did ok?

Scenario 3 – Reporter

The local newspaper is conducting research for early childhood programs for children with disabilities. The reporter approaches asks you for a list of all children in your program with disabilities and insists it's directory information. What do you do?

Scenario 4 – Community Based Organization

A community-based organization that has programs for children with special needs approaches you regarding their programs and asks for the name, address, and telephone number of parents with students in your school who have a disability in order to contact parents regarding their programs. You like the programs offered by the organization and believe the programs may be of benefit to the students with disabilities in your school and their parents.

Can the names and contact information for these students be disclosed to the organization?

Scenario 5 – Parent Volunteer

Mr. Hawes is a parent volunteer in your resource classroom for students with learning disabilities. Mr. Hawes has a child with a disability enrolled in the provider's program although not in your class. Mr. Hawes assignment is to work with a small group of students on cognitive skills. You provide Mr. Hawes with the past information on those children such as information from the special education records of each individual student he is assisting.

Is it permissible for you to share the individual special education record information with Mr. Hawes without the consent or knowledge of the parents of the students?

Scenario 6: Participating Agency

The IDEA Part C coordinator at the local EIS provider calls you as the EHDI coordinator that provides audiology evaluations. The coordinator wants to know if a Part C child whom she serves received the audiology evaluation identified on the child's IFSP and the results of the evaluation.

Can you speak with her to 1) confirm the evaluation was completed and 2) provide the results of the evaluation?

Scenario 7: Participating Agency

The Part C program is housed in the Department of Health which also administers Medicaid. The Part C program has a system of payments and wants to confirm that a child is already enrolled in Medicaid.

Can the Medicaid personnel speak with the Part C personnel to provide this information? Would the answer be different if the Part C program was housed in the SEA?

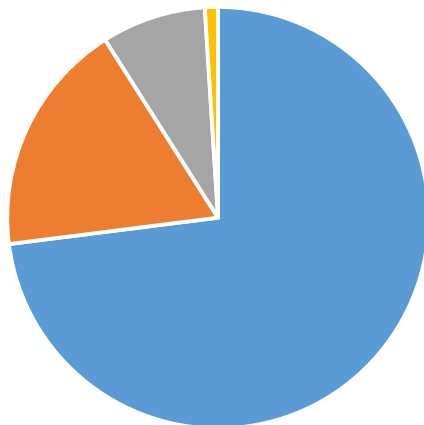
Data Security: Why?

Data Security – Lowlights

- **Since 2009: 6 Data Breaches at State Departments of Education**
 - 300,000 students identities at risk.
 - More than half a million dollars lost.
 - 50,000+ teachers' information leaked.
 - Lost SSNs, addresses, emails, demographic info.

Breaches by source

Breaches By Type



- Malicious/Outsider
- Accidental
- Malicious/Insider
- Other



Problems in ED Data Systems for one state found in an afternoon

- 626 machines with no firewall
- 2 SIS breaches affecting thousands of students
- Hundreds of anonymous FTP servers
- 143 Windows XP machines (some already hacked)
- 10 VPNs running out of date Windows 2003 Server
- 835 Web servers running IIS 6 or earlier

Threats to Data

Internal

- Mistakes
- Intentional misconduct
- Curiosity

External

- Hackers
- Social engineering attacks
- Malware

Internal Threats

Self-Inflicted Wounds

- Falling for phishing email / clicking on stuff.
- Unsafe browsing habits.
- Use of “Free” WiFi.
- Misaddressing email.
- Sending attachments with PII.
- Lost or stolen storage / hardware.
- Weak passwords.

This looks important. I probably wouldn't put it on a public share.

Index of /

	Name	Size	Date Modified
	_vti_pvt/		10/1/15, 12:12:00 AM
	CustomPulse.txt	23.3 kB	3/23/17, 7:02:00 PM
	DWAAssessments.txt	5.9 MB	3/23/17, 7:02:00 PM
	DWAttendanceCodes.txt	684 B	3/23/17, 7:01:00 PM
	DWAttendanceMarks.txt	3.2 MB	3/23/17, 7:01:00 PM
	DWAttendancePossible.txt	7.4 MB	3/23/17, 7:01:00 PM
	DWClasses.txt	55.4 kB	3/23/17, 7:00:00 PM
	DWCodes.txt	9.1 kB	3/23/17, 7:00:00 PM
	DWDiscipline.txt	721 kB	3/23/17, 7:00:00 PM
	DWDisciplineEvents.txt	132 B	3/23/17, 7:02:00 PM
	DWDisciplineEventVW.txt	34 B	3/23/17, 7:02:00 PM
	DWDisciplineIncidentCodes.txt	2.7 kB	3/23/17, 7:02:00 PM
	DWDisciplineIncidents.txt	1.8 MB	3/23/17, 7:02:00 PM
	DWEnrollment.txt	91.6 kB	3/23/17, 7:02:00 PM
	DWGBAssessments.txt	0 B	3/23/17, 7:02:00 PM
	DWGPA.txt	219 kB	3/23/17, 7:02:00 PM
	DWGradebook.txt	2.1 MB	3/23/17, 7:02:00 PM
	DWGrades.txt	12.7 MB	3/23/17, 7:02:00 PM
	DWHealthAlerts.txt	14.8 kB	3/23/17, 7:02:00 PM
	DWObjectives.txt	0 B	3/23/17, 7:02:00 PM
	DWObjMarks.txt	0 B	3/23/17, 7:02:00 PM
	DWParent.txt	448 kB	3/23/17, 7:02:00 PM
	DWProgServices.txt	285 kB	3/23/17, 7:02:00 PM
	DWRosters.txt	165 kB	3/23/17, 7:00:00 PM
	DWSpecialAttendance.txt	79 B	3/23/17, 7:01:00 PM
	DWStudents.txt	439 kB	3/23/17, 7:02:00 PM
	DWTeachers.txt	16.4 kB	3/23/17, 7:00:00 PM
	info.zip	3.4 MB	4/15/17, 12:19:00 AM
	Phone Contacts.txt	58.3 kB	4/30/17, 7:02:00 PM
	Photo.scr	1.5 MB	4/23/17, 11:47:00 AM
	Staff Phones.txt	9.9 kB	4/30/17, 7:02:00 PM

Want Some Testing Data?

Testing Site Manager (TSM)


(includes Local Caching Service [LCS] capabilities)


TSM Name: TSD


TSM Version: 9.1.0_0

TSM Server Domain:

TSM Server IP: 10.2.1.70


 Content Caching


 Response Caching ▾

 Tools ▾

Last Updated: 04/20/2017 07:10:44 PM









 Update Content

 Recheck Content

10 ▾ records per page

Content List

Search:

Content	Status	Download TTS	Download VSL	File Count	Download Results	Retry Content
550635 - Keystone Exams Spring 2017	Up to Date	<input type="checkbox"/>	<input type="checkbox"/>	1623/1623	 Download	 Update
550638 <input type="text"/> School Assessment Spring 2017	Up to Date	<input type="checkbox"/>	<input type="checkbox"/>	3874/3874	 Download	 Update
550679 - CDT 2016-2017 Administration Fall 2016/2017	Up to Date	<input type="checkbox"/>	N/A	12980/12980	 Download	 Update

Showing 1 to 3 of 3 entries

← Previous

1

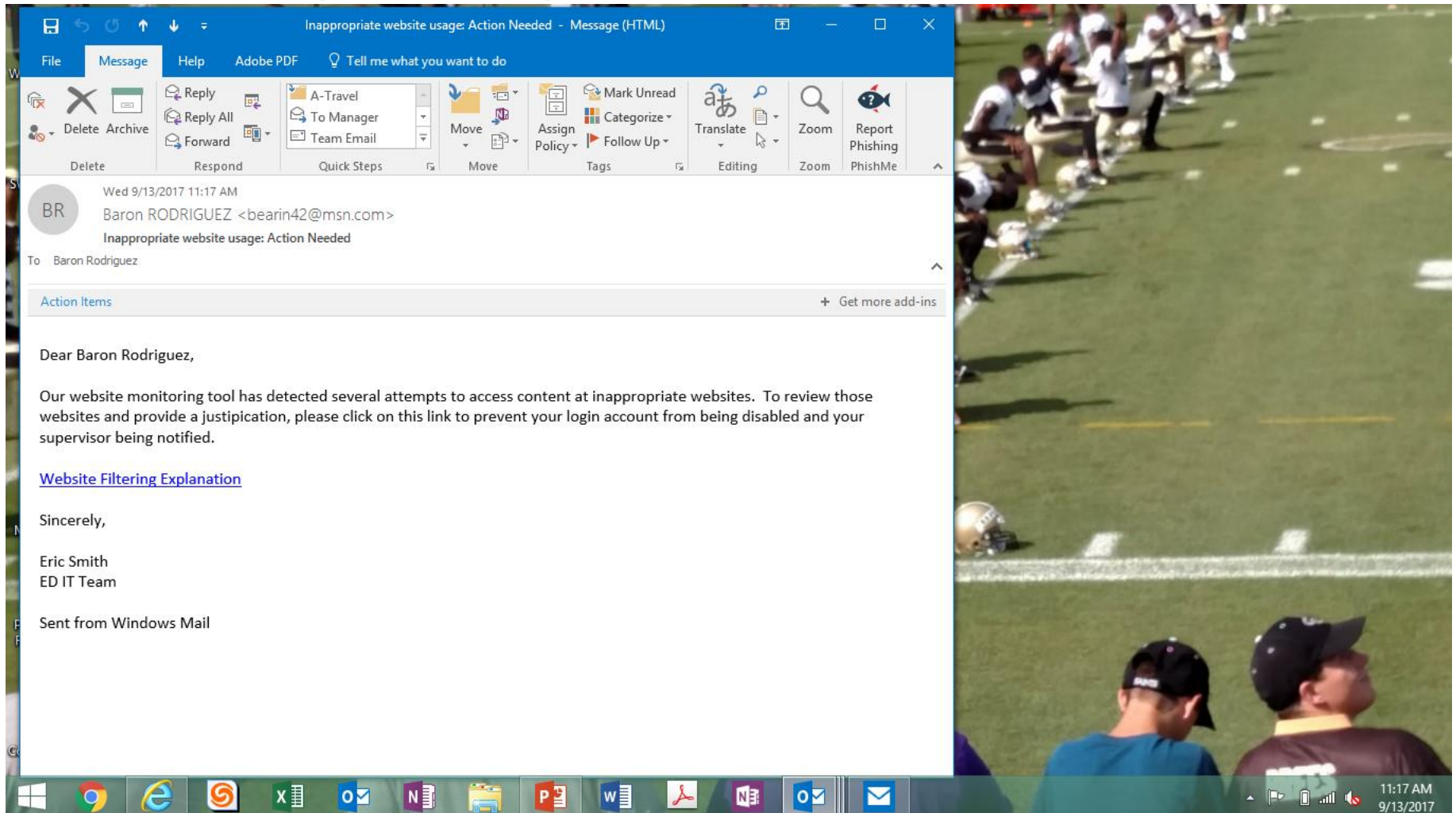
Next →

Social Engineering

- Phishing emails.
- Spear Phishing & Whaling.
- Telephone calls / SMS messages.
- Baiting.
- Watering hole attacks.
- Scareware.

Nearly every successful intrusion involves some form of Social Engineering!

Feeling Guilty?





Mobile Technology

- Misunderstanding of vulnerabilities and appropriate controls in place regardless of platform
 - Apple products aren't inherently more secure
 - <https://www.theverge.com/2018/5/14/17351684/email-encryption-attack-thunderbird-apple-mail-malicious-code-vulnerable>
 - Remote management approaches

Source:

<http://www.forbes.com/sites/thomasbrewster/2016/07/19/apple-iphone-ios-9-vulnerabilities-like-stagefright/#8393ec139476>

OPRE Brief on Use of Technology

This brief addresses privacy and security considerations related to software, mobile apps and web-based tools that EC practitioners may access as part of their work with children and families.

Examples include online systems that capture child assessment data, live video conferencing to connect with parents/home visitors, etc.

https://www.acf.hhs.gov/sites/default/files/opre/technology_and_privacy_brief_031716_508final.pdf

Email Best Practices



Discussion Questions

- Are you aware of your organization's policies on use of mobile devices/email?
- Do you read the Terms & Conditions of each application you use on your personal device and/or applications you may use in your professional capacity?

Team Scenario

PTAC Case:

A school's IT manager called asking what to do about a scenario where a student had gotten a hold of the login for their student system which had administrative privileges. The student had full control of the system and when confronted about it, he essentially said "no, I won't give you back access to your own SIS". The IT manager spent several weeks in a stand off with a student who had access to the SIS and when we asked what actions he had taken, he said they talked to the kid about it but that the kid was refusing to cooperate and he didn't know what to do.

Discussion Questions

- Can the school punish the child under FERPA or IDEA? If not, who is responsible for this ultimately?
- What policies, trainings, or procedures may have prevented this from happening?
- What policies, trainings or procedures should be activated as a result of this issue?



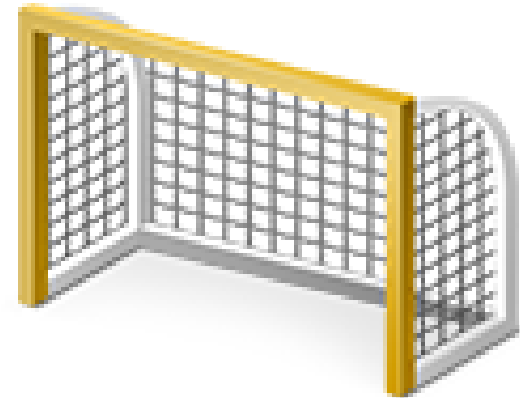
Crisis Data Management Discussion

Denver, Colorado

- Small working group of state and local education officials shared their approach to displacement of students and related data sharing efforts with the following types of crisis:
 - California Fires
 - School Shootings
 - Recent Hurricanes (Harvey, Irma, Maria)
 - Floods
 - Student Suicides

Crisis Data Management Workgroup Goal

- Review current available resources and laws to determine their helpfulness or challenges with recent crisis in the last 3 years.



At Risk Suicidal Student

Group Recommendation for Data Sharing:

For quick response, and to facilitate rapid data sharing schools should have an “on call” person to be able to declare a health/safety emergency to share data with local authorities and prevent harm to student or others.

Displaced Students: Flood/Fire/Etc.

Data Sharing:

Establish a process at the LEA to get student records for displaced students, and consider that you may deal with infrastructure issues such as no land lines, no data center, no physical structure access, etc.

Emergency Response Plan

- Have a designated backup for each role in an emergency response plan—someone who trains under the primary person in that role as the primary staff may be rendered unavailable by the crisis.
- Have cell numbers of staff members handy as landlines often go down in the event of fires/floods.

Health & Safety Discussion

- Do you have any best practices or lessons learned that you would like to share regarding catastrophe's that your organization has faced?
- Do you have any recommendations for us regarding how our resources can be more helpful to you?

Privacy & Security Resources Discussion

New Guidance on Contracting

1. Parents cannot be required to waive their FERPA rights as a condition of enrolling in an education program.
2. Schools should use the School Official Exception, rather than consent, for the required apps and services.
3. Review vendors' Terms of Service closely to ensure that "direct control" has been properly established.

See Letter to Agora for more information:

<https://studentprivacy.ed.gov/resources/letter-agora-cyber-charter-school>



Scenario 10 – School Bus Video

- Bernie and Ricky get into a fight on the school bus on the way home. Frank, another student, tries to break up the fight and is pushed down by the fighting students and is injured. Ellen, the bus driver pulls over and intervenes to stop the fight. The incident is recorded by the school bus camera. The bus driver reports the incident to you, the principal, and you review the video. You suspend both Bernie and Ricky from school. Frank has a cast on his arm as a result of the fight. The parents of all three students are upset and are requesting to review the video of the incident. You also received a request from the local TV station requesting a copy of the video.
- 1. How would you handle the request from the parents?
- 2. What limitations, if any, would FERPA place on permitting you to provide access to the parents?
- 3. How would you handle the request from the media?

Letter to Wachter: Video FAQ

Determining when/if a video is an education record

Examples:

- A school surveillance video that shows two students fighting in a hallway that is used as part of a disciplinary action is directly related to the students fighting.
- A classroom video that shows a student having a seizure is directly related to that student because the depicted health emergency becomes the focus of the video.
- A video recording of a faculty meeting, during which a specific student's grades are being discussed, is directly related to that student because the discussion contains PII from the student's education record.

Letter to Wachter: Video FAQ

If a video is an education record for multiple students, can a parent of one of the students or the eligible student view the video?

Yes. For example, a surveillance video that shows two students fighting on a school bus, and that the school uses and maintains to discipline the two students would be “directly related to” and, therefore, the education record of both students.

Letter to Wachter: Video FAQ

Can the same recorded image be the education record of more than one student under FERPA?

When a video is an education record of multiple students, in general, FERPA requires the educational agency or institution to allow, upon request, an individual parent of a student (or the student if the student is an eligible student) to whom the video directly relates to inspect and review the video. FERPA generally does not require the educational agency or institution to release copies of the video to the parent or eligible student.

Letter to Wachter: Video FAQ

Does FERPA permit educational agencies and institutions turn over videos to the police upon request or following an incident that may warrant police involvement?

If the law enforcement unit of an educational agency or institution creates and maintains videos for a law enforcement purpose, then the videos would not be education records and FERPA would not prohibit the law enforcement unit of an educational agency or institution from disclosing the videos to the police.

Letter to Wachter: Video FAQ

Several other FAQ's are addressed in the letter. Please review the entire resource located on our website.

<https://studentprivacy.ed.gov/resources/letter-wachter-regarding-surveillance-video-multiple-students>

Browse our Websites!

- PTAC: <https://studentprivacy.ed.gov>
- DaSy: <https://dasycenter.org/other-resources/privacy-and-confidentiality/>