

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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<http://www.kslegislature.org/klrd>

February 11, 2015

To: Representative Ron Highland
From: Sharon Wenger, Principal Fiscal Analyst *Sharon*
Re: Summary of Survey of School Districts Related to Data Security

Please find a summary of the surveys received from 159 school districts answering the following questions related to data security.

- **Is your school district in total compliance with the current statute regarding student data privacy (2014 SB 367)?**

All districts, except two, answered yes to this question. Two survey respondents did not answer the question.

- **Is your confidential student data encrypted?**

There were 153 districts answering this question with 43 answering no; 110 answered yes.

- **Who has access to your district's confidential student data?**

All but ten districts indicated the district superintendent had access; others having access included a students' teachers (105); a building principal (92); a guidance counselor (116); a school nurse (113); and a student's parents (123).

- **What data is sent to the Department of Education, excluding data submitted for the Kansas Individual Data on Students (KIDS) system?**

Some districts indicated disciplinary data reports (7) and data related to career and technical education certifications (2) were sent in addition to data submitted for the KIDS system.

- **Are you collecting other data than that listed above?**

Thirty-six districts answered yes.

There were some comments made on surveys that I am enclosing to this memorandum. Let me know if you would like to make this memorandum and any actual surveys available to all Committee members.

SLW/db

Enclosures

Yes - however, we note that if there are inconsistencies between state law and the federal Family Educational Rights and Privacy Act, we comply with federal law.

2. Is your confidential student data encrypted? Yes _____ No x _____

Generally no, as it is not required by state or federal law. However, we provide required data to the Kansas State Department of Education in the format required thereby.

3. Who has access to your district's confidential student data? If not applicable, please insert N.A.

	YES	NO
Superintendent *	x	
Classroom Teachers *	x	
Other Teachers *	x	
Building Principal *	x	
Building Vice-Principal *	x	
Guidance Counselor *	x	
School Nurse *	x	
Parents/Legal Guardians (of their OWN child(ren) ONLY)	x	
Other (Please Identify) As authorized by written parent/guardian or adult student consent or by law	x	
Other (Please identify)		
Other (Please identify)		

* In the school setting, access to personally identifiable student data, not including student data which is designated as directory information and allowed for less restrictive staff use by adult students or the parents of minor students on the students' behalf, is only granted to authorized personnel of the district who require such information to perform their assigned duties. In other words, only staff members with legitimate educational interests in personally identifiable student data will have access thereto, and granting access to some personally identifiable student data does not mean that such staff member will have similar access to all student data of the specified student. No greater access to confidential data is granted than is required for the staff member's fulfillment of his or her duties in accordance with relevant law.

4. What data is sent to the Kansas State Department of Education? (Exclude data submitted for the Kansas Individual Data on Students (KIDS) system and budget information). Please list below.

All state and federally required reports

USD No. and Name: Unified School District No. 259, Sedgwick County, Kansas (Wichita Public Schools)

Contact Information for Person Completing Request (name and telephone number): Tom Powell, 316-973-4700

1. Is your school district in total compliance with the current statute regarding student data privacy (2014 Senate Bill 367—See link to review bill)

http://www.kslegislature.org/li_2014/b2013_14/measures/documents/sb367_enrolled.pdf

Yes X No

2. Is your confidential student data encrypted? Yes X* No X#

*Yes – student data available to parents accessing their student records through ParentVue is encrypted.

#No – internal access is not encrypted, as USD 259 has its own private network.

State and federal law do not require encryption of student data.

3. Who has access to your district's confidential student data? If not applicable, please insert N.A.

In the school setting, access to personally identifiable student data, not including student data which is designated as directory information and allowed for less restrictive staff use by adult student or parents of minor students on behalf of the minor students, is only granted to authorized personnel of the district who require such information to perform their assigned duties, i.e., only staff members with legitimate educational interests in personally identifiable student data will have access, and granting access to some personally identifiable student data does not mean that the staff member has similar access to all student data of the specified student. Parents or guardians have access to their student's educational records. Students who are 18 years old or older have access to their own educational records.

	YES	NO
Superintendent		
Classroom Teachers		
Other Teachers		
Building Principal		
Building Vice-Principal		
Guidance Counselor		
School Nurse		
Parents/Legal Guardians		
Other (Please Identify)		
Other (Please identify)		
Other (Please identify)		

3. Elementary/Middle schools: They do not have access to lunch codes, but they can see all student data in their building only. High schools: They have access to all students in their building as well as demographic data from cross-town high schools, this is because we have students going from one building to another and they sometimes need to contact a guardian.
4. All levels: They do not have access to lunch codes, but they can see all student data in their building only.
5. They can only see information for students in their school.
6. They can only see information for students in their school.
7. They can see information for their active students – once their students are inactive they cannot access information about them. If all students in the family are inactive, they cannot access the system.
8. Access to entire system for all students. Required to do our job.
9. For reporting purposes – they maintain the SPED records and need access to our system to make sure data is updated and accurate between both systems.

4. What data is sent to the Kansas State Department of Education? (**Exclude data submitted for the Kansas Individual Data on Students (KIDS) system and budget information**). Please list below.

KANDIS information

5. Are you collecting other data than that listed above? Yes _____ No X* _____
 (*to the best of my knowledge)

Eryn Wright, JD, MSW
 General Counsel for USD 305
 1511 Gypsum Ave.
 Salina, KS 67401
 785.309.4700

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The House Education Committee has requested that we submit the questions below concerning student data to you for response. **We would appreciate receiving your response by no later than 5:00 p.m., on Monday, February 9, 2015.**

Please respond via e-mail (ddennis@ksde.org) or FAX (785) 296-6659.

If you have questions, feel free to contact Dale M. Dennis (ddennis@ksde.org) or Craig Neuenswander (cneuenswander@ksde.org) at (785) 296-3871.

USD No. and Name: USD 512 – Shawnee Mission School District

Contact Information for Person Completing Request (name and telephone number): Drew Lane – 913.993.8800

1. Is your school district in total compliance with the current statute regarding student data privacy (2014 Senate Bill 367—See link to review bill)
http://www.kslegislature.org/li_2014/b2013_14/measures/documents/sb367_enrolled.pdf

Yes No

2. Is your confidential student data encrypted?

Yes No

Our data is encrypted prior to (email) and during (uploads) transmission.

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Yes No

2. Is your confidential student data encrypted?

Yes No

Our data is encrypted prior to (email) and during (uploads) transmission.

We do not send any other confidential student data to KSDE outside of KIDS and budget information.

5. Are you collecting other data than that listed above?

Yes No

Our district has an internal incident reporting system for risk assessment and management.

Sharon Wenger

From: Dale Dennis <ddennis@ksde.org>
Sent: Monday, February 09, 2015 4:32 PM
To: Sharon Wenger
Subject: FW: SURVEY--Confidential Student Data

From: Terry McEwen [<mailto:TMcEwen@usd497.org>]
Sent: Monday, February 09, 2015 4:22 PM
To: Dale Dennis
Cc: Rick Doll; Angelique Kobler; David Cunningham; Jerri Kemble; Kyle Hayden
Subject: FW: SURVEY--Confidential Student Data

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USD No. and Name _____ USD 497 - Lawrence _____

Contact Information for Person Completing Request (name and telephone number) Dr. Rick Doll, Superintendent; [Dr. Terry McEwen, Director of Assessment and Research; Mr. David Cunningham, Director of Human Resources and Legal Services \(785\) 832-5000](#)

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Yes _____ x _____ No _____