

DATA PRIVACY MATERIALS

- [TALKING POINTS](#)
- [SAMPLE STATE PRESS RELEASE](#)
- [FREQUENTLY ASKED QUESTIONS](#)
- [SAMPLE STAKEHOLDER LETTER](#)
- [RESOURCES](#)

**Adopting new assessments is a critical step in our state’s plan to prepare students to succeed in college and careers.**

- In schools across [INSERT STATE], teachers are helping students meet the challenge of the [Common Core State Standards/STATE STANDARDS]. These new academic benchmarks challenge our students to develop a deeper understanding of subject matter, learn how to think critically, and apply what they are learning to the real world.
- In addition, [INSERT STATE] is one of more twenty states working in partnership as part of the Smarter Balanced Assessment Consortium to develop next-generation assessments that will test students’ knowledge and skills and measure their progress toward college and career readiness.

**The assessments will help teachers and parents monitor student progress and provide information about each student’s unique needs.**

- Smarter Balanced includes year-end and mid-year assessments, along with resources for teachers to use in the classroom. The system is designed to help improve teaching and learning for all students by providing accurate information and resources for educators.
- In addition, educators and parents will be able to easily compare student achievement with other states. Data from the assessments will allow [INSERT STATE] to make informed decisions and better prepare students for success.

**Protecting the privacy, security, and confidentiality of student data is a responsibility we take seriously. And with Smarter Balanced, our state retains control of student information.**

- That’s why [INSERT STATE] developed a written agreement regarding the collection and use of personally identifiable student information.
- This agreement ensures that any organization working on the Smarter Balanced assessments will adhere to strict guidelines to safeguard student information.
- [INCLUDE ADDITIONAL DETAILS OF AGREEMENT AS APPROPRIATE]
- Smarter Balanced, member states, and districts cannot and will not sell student information.
- Smarter Balanced will not release student-level information to the federal government. Likewise, Smarter Balanced will not release personally identifiable student information to any other third party without a state’s permission.

**Smarter Balanced is committed to protecting student privacy.**

- Smarter Balanced has established multiple safeguards to protect student data consistent with industry best practices.
- Smarter Balanced will never collect personally identifiable information unnecessary to the operation of the testing system, such as parent names, student or parent Social Security numbers, addresses, or medical information.
- Smarter Balanced adheres to all federal laws and regulations that safeguard education records, privacy, and confidentiality, such as the Family Educational Rights and Privacy Act (FERPA).

**Contact:** [INSERT CONTACT INFO]

**[INSERT STATE] Approves Student Data Privacy Agreement for Common Core Assessments**  
*Agreement Will Safeguard Student Information, Ensure [INSERT STATE] Maintains Control of Data*

[INSERT CITY/STATE]— As part of the transition to college- and career-ready assessments, [INSERT STATE AGENCY/STATE BOARD OF EDUCATION] approved a student data privacy agreement to govern the collection and use of student data under the Smarter Balanced assessment system. The agreement ensures that [INSERT STATE] will retain control over student data consistent with established data privacy and security guidelines.

Smarter Balanced is a consortium of states developing assessments aligned to the Common Core State Standards that will be implemented in the 2014-15 school year. These new standards and assessments are critical to [INSERT STATE'S] plan to prepare students to succeed in college and careers. The written agreement ensures the collection and use of student information from the new assessment system will be protected by the same laws, regulations, and policies as the existing [INSERT STATE] assessment.

“Smarter Balanced assessments will help teachers and parents monitor student progress and provide information about each student’s unique needs,” said [INSERT STATE CHIEF / K-12 STATE LEAD]. “At the same time, the student data privacy agreement will ensure that student information is used appropriately.”

Smarter Balanced will follow industry best practices for data security and adhere to all applicable federal laws and regulations that safeguard education records, including the Family Educational Rights and Privacy Act. The Consortium will collect and maintain a minimum amount of student information necessary to ensure that the assessments are accurate and fair. Smarter Balanced will never collect extraneous personally identifiable information, such as Social Security numbers, home addresses, or medical information. The approved student data privacy agreement is available online at: [INSERT LINK IF AVAILABLE].

The student data privacy agreement is consistent with our state’s established data security guidelines. [INSERT INFORMATION ABOUT STATE’S DATA SECURITY POLICY]

Smarter Balanced is a consortium of states developing a system of assessments to measure achievement and growth toward college and career readiness. The work of Smarter Balanced is guided by the belief that a high-quality assessment system can provide information and tools for teachers and schools to improve instruction and help students succeed—regardless of disability, language, or background.

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### **How do states use student data?**

States use student data to provide parents, teachers, policymakers, and other stakeholders with the information they need to make informed decisions and better prepare students for success.

Common indicators include student attendance, demographic information, assessment results, and English language learner/special education status.

Under the No Child Left Behind Act, states report aggregate student achievement results by subgroups, such as an entire school, grade level or racial/ethnic subgroup. Individual student results are not publicly reported or shared with the U.S. Department of Education.

### **How is Smarter Balanced different?**

The Smarter Balanced Assessment System will measure student achievement and growth toward college and career readiness in English language arts/literacy and mathematics. Results from the assessments will give parents and students accurate information about whether students are on track to graduate high school ready for college and the workplace. In addition, teachers will have access to a digital library of resources and tools to tailor instruction based on the needs of individual students.

### **Why is Smarter Balanced collecting student data?**

Protecting the privacy of our students is a both a legal and moral responsibility of [INSERT STATE]. The data privacy agreement ensures that our data security policies will not change.

In order to maintain the assessment system, Smarter Balanced will collect a minimum amount of student information on behalf of member states. For example, the Consortium will analyze assessment results to ensure that the test questions are sound and that the assessments accurately predict college and career readiness. This work is necessary to ensure that the assessments are accurate and fair for all students.

### **What type of information will Smarter Balanced collect?**

In order to make sure the assessments are accurate and fair for all students, states will submit the following information to Smarter Balanced:

- An identification number (the Consortium recommends that this be different from the state's official unique student identifier so that only the state can link back to a student's official education record);
- Race/ethnicity, gender, grade level, school attended;
- Student eligibility for English language development services, or special education services provided to the student;
- Student eligibility for Title I compensatory programs;
- Smarter Balanced test scores, achievement levels, and responses to test questions.

If a state elects to have Smarter Balanced generate reports of student assessment results, the consortium also will collect student name and date of birth. States may choose to manage that function through another organization. In either case, states can impose guidelines to safeguard those data.

### **What information won't Smarter Balanced collect?**

Smarter Balanced will never collect identifying information (such as student name and date of birth) unless specifically directed to do so by a member state. Further, Smarter Balanced will not collect information unnecessary to the assessment system, such as:

- Names of parents;
- Student or parent email address;
- Telephone numbers;

- Student or parent Social Security numbers;
- Parent or student addresses;
- Parent or student medical information.

**What information will Smarter Balanced share with the U.S. Department of Education?**

Smarter Balanced will not share student-level information with the U.S. Department of Education. Further, use of the Smarter Balanced assessments will result in no changes to state reporting to the U.S. Department of Education. [INSERT STATE] will only share aggregate student data—the same information required by the No Child Left Behind Act of 2001. In addition, the agreement between Smarter Balanced and the U.S. Department of Education states that the Consortium must comply with the Family Educational Rights and Privacy Act (FERPA) as well as state and local requirements regarding privacy. FERPA, along with three other federal statutes, prohibits the federal government from establishing a database with personally identifiable student information.

**Will member states have control of student information?**

Yes. The student data privacy agreement ensures that [INSERT STATE] retains control of student data generated by the assessment system. The agreement requires that [INSERT STATE] approve all requests for access to student data.

**Will Smarter Balanced release personally identifiable information?**

No. Under limited circumstances such as for research studies deemed important by states in the consortium, Smarter Balanced may provide access to student data that have been altered so that students' identities cannot be recognized. Requests for this type of information will be reviewed by member states and each state must individually approve any release of data.

**Will Smarter Balanced sell student information?**

No. Smarter Balanced, member states, and districts cannot and will not sell student information as prohibited by federal laws like the Family Educational Rights and Privacy Act.

**Does the Common Core require states to collect 400 data points on each student?**

No. The Common Core State Standards do not require any data collection.

**Is FERPA the only law protecting student privacy?**

No. While FERPA sets limits on how personally identifiable information can be accessed and shared, states also have their own policies and regulations, and many have state laws that parallel FERPA designed to ensure the privacy and confidentiality of data. Virtually all states also have laws that address data security and security breaches.

**How will Smarter Balanced ensure that student records are not hacked or lost?**

Smarter balanced follows industry best practice for securing the storage and transmission of student records. These measures include, but are not limited to:

- All student data are encrypted when in transit and when stored in an accessible data system;
- Data backups are encrypted and physically secured;
- Audit logs are kept of user activity including management of accounts, granting of permissions, proctoring of exams and generation of reports;
- Smarter Balanced never accepts social security numbers for any individual;
- Data centers are physically secured against unauthorized access.

Dear [STAKEHOLDER],

[INSERT STATE] is committed to ensuring that all students are prepared to succeed after high school. As we implement our new academic goals, [CCSS OR STATE-SPECIFIC NAME], adopting new assessments is a critical step in our state's plan to prepare students to succeed in college and careers.

We are a member of the Smarter Balanced Assessment Consortium, a state-led effort that is on track to deliver high-quality assessments aligned to our new standards in the 2014-15 school year. Smarter Balanced assessments will give teachers, parents, and students accurate and timely information to improve teaching and learning. In addition, they will allow us to compare our performance to other states across the country.

Better data allow us to make informed education decisions and promote accountability at all levels. At the same time, protecting the privacy, security, and confidentiality of student data is a responsibility we take seriously.

[INSERT STATE] recently approved a student data policy agreement to guide the collection and use of student data for the Smarter Balanced assessments. Under this agreement, [INSERT STATE] retains control of student data and all organizations that handle student information for the Smarter Balanced assessments are required to abide by the same laws, regulations, and policies with respect to student information as under our existing assessment system.

Smarter Balanced will collect and maintain a minimum amount of student information necessary to ensure that the assessments are accurate and fair. The Consortium will never collect extraneous information, such as Social Security numbers, home addresses, or medical information.

We are committed to continuing our efforts to protect student privacy and data security. I encourage you to learn more about our student data privacy policy, available at [INSERT WEBSITE]. [In addition, the enclosed Frequently Asked Questions document provides additional detail on Smarter Balanced policies and procedures for data privacy and security.]

Sincerely,

[STATE CHIEF/SUPERINTENDENT]

**Data Quality Campaign**—Information about the importance of using high-quality education data to improve student achievement and best practices for communicating about data.

- [Cheat Sheet: Data Privacy, Security, and Confidentiality](#)
- [Myth Busters: Getting the Facts Straight about Education Data](#)
- [What Every Parent Should Be Asking about Education Data and Privacy](#)
- [Talking about the Facts of Education Data with Policymakers](#)
- [Talking about the Facts of Education Data with Parents](#)
- [Complying with FERPA and Other Federal Privacy and Security Laws and Maximizing Appropriate Data Use](#)
- [Supporting Data Use While Protecting the Privacy, Security and Confidentiality of Student Information: A Primer for State Policymakers](#)
- [State Security Laws: State-by-State Summary Table](#)
- [State Security Breach Response Laws: State-by-State Summary Table](#)
- [Additional Data Quality Campaign Resources](#)

**U.S. Department of Education**—Resources to help understand the federal regulations and safeguards protecting student data.

- [Myths and Facts about Standards and Federal Policy](#)
- [Family Educational Rights and Privacy Act \(FERPA\)](#)
- [Summary of FERPA](#)
- [Protecting the Privacy of Student Records](#)
- [Forum Guide To The Privacy Of Student Information](#)

**State Resources**—Examples of state communications about student privacy and security.

- Oregon
  - [Information Search and Privacy](#)
- California
  - [Privacy of Student Records](#)
- Hawaii
  - [Student Privacy](#)