Student Data Privacy Update

NHSAA State Superintendents’ Meeting | March 19, 2021

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Concord School District

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Oyster River Cooperative
Data Privacy Update

**Goal:** update you in Year Two of our NH data privacy alliance, which is a multi-district, outsourcing approach to vetting application service providers.

In 2019, following the passing of "HB1612" (2018), we proposed a collaborative approach to vetting online apps for data privacy, using:

- A shared consultant & attorney to take on the negotiation piece
- A legally vetted NH data privacy agreement (DPA) which meets all state/federal laws, and transfers liability to the vendor
- Legally drafted parent permission form (for unique bypass scenarios)
1. Districts must create and annually review a data governance plan (portions may be non-public), approved by school board.
2. Districts must comply with the minimum security standards adopted by NHDOE.
3. Districts must ensure that all service providers which accept student or staff PII also comply with minimum security standards.

NOTES:
- Please be cautious to reference the RSA or final text of HB1612 (misinformation: districts do NOT need to present their data governance plans for state approval).
- Other federal and state laws also apply and these are all considered in the DPA document.
• “HB1612” – 2018 law
• Breaches cost $, cause negative press, erode trust, and are very time-consuming
• K12 typically does not put a lot of resources into data security
• This is hard work for your IT staff
Student vs Staff PII

**STUDENT PII**
- First name
- Last name
- Age
- Email or username
- Home address, phone, etc.

**STAFF PII**
- Home address
- Home phone
- Personal email
- SSN

(Names, emails are public info)
April, 2019: NHDOE adopted the **minimum security standards** as proposed by NH CISO Dan Dister, and reviewed by NHCTO. These 42 standards are a subset of federal standards (NIST SP 800-171).

July, 2019: NHCTO launched the **NH Student Privacy Alliance**.
We contract with
- The Education Cooperative (TEC) of MA – consulting/legal
- Student Data Privacy Consortium (SDPC) (database/portal)

May, 2020: **Security standards were updated** by NHDOE at the request of NHCTO (via D. Dister) to accept federal security and banking certifications such as SOC2, FEDRAMP, ISO/IEC 27001, etc.
In 2020:

- New Hampshire joined MA and RI on a 3-state DPA.
- National DPA approved
- SDPC has increased to 31 member states / alliances.

Vendors are more likely to sign a national or regional DPA than a state DPA. They still must comply with NH’s unique requirements.
### Examples from the Minimum Standards

<table>
<thead>
<tr>
<th>Example Standard</th>
<th>Oversimplified Layman’s Terms *</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-6</td>
<td>Authorize wireless access prior to allowing such connections.</td>
</tr>
<tr>
<td></td>
<td><em>Know and verify who is connecting to your WiFi; separate your guest from staff/student WiFi.</em></td>
</tr>
<tr>
<td>C-2</td>
<td>Ensure that the actions of individual system users can be uniquely traced to those users so they can be held accountable for their actions.</td>
</tr>
<tr>
<td></td>
<td><em>Give everyone a unique username and password – don’t share them.</em></td>
</tr>
<tr>
<td>H-1</td>
<td>Protect (i.e., physically control and securely store) system media containing Covered Information, both paper and digital.</td>
</tr>
<tr>
<td></td>
<td><em>lock file cabinets and offices</em></td>
</tr>
<tr>
<td>J-2</td>
<td>Protect and monitor the physical facility and support infrastructure for organizational systems.</td>
</tr>
<tr>
<td></td>
<td><em>lock the server room and put up cameras</em></td>
</tr>
</tbody>
</table>

* our interpretation
1 - CoSN/ NHCTO Membership

$340 for small districts up to 2,500 students;
$965 for medium districts between 2,501 - 9,999 students;
$1,300 for large districts above 10,000 students;

2 – Alliance Membership

$1.10/student/year

- Cap of $5,000
- Covers consultant and attorney fees
- Increasing to $1.20 / $5,500 in FY22
Successes

(July 2019 – March 2021)

NEW HAMPSHIRE:

- 86 participating NH districts and charter/independent schools
- 674 signed DPAs (products)
- 6,109 signed Exhibit Es
- 6,783 signed and posted DPA documents total (combination of districts and DPAs)

NH is the fastest-moving state, and others are replicating our model!

POSTED DPA DOCUMENTS BY STATE:

- 6,783 New Hampshire
- 6,388 Massachusetts
- 5,294 California
- 1,793 Utah
- 681 Rhode Island
- 674 Washington
- 524 Texas
- 468 Oregon
1 PRIVATE SCHOOL = **460 STUDENTS**

4 CHARTER SCHOOLS = **8307 STUDENTS**

81 PUBLIC SCHOOL DISTRICTS = **147,440 PUBLIC STUDENTS**
## Examples of Vendors with NO DPA

<table>
<thead>
<tr>
<th>MEETS STANDARDS</th>
<th>DOES NOT STORE PII</th>
<th>NOT COMPLIANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adobe</td>
<td>SketchUp</td>
<td>Forms Publisher for GSuite</td>
</tr>
<tr>
<td>GSuite for Education</td>
<td>BookFlix</td>
<td>Grammarly (free)</td>
</tr>
<tr>
<td>AutoCAD</td>
<td>EBSCO (generic login)</td>
<td>GoGuardian</td>
</tr>
</tbody>
</table>
2019-2020: Extensive legal and discussion with NHDOE, NH DoIT, TEC, regarding digital signatures on contracts, IEPs, etc.

TL;DR: yes, they are legal under specific conditions (verifying information such as date/time stamp, IP address, certificate).

PandaDoc is only e-signature vendor who has signed a NHDPA.
Challenges

- Cost increase from $1/student to $1.10/student ($1.20 in FY22)
  - NH has been incredibly active and had used more of the attorney's time than anticipated
  - Goal: keep pricing reasonable for smaller districts

- Some districts have dropped off – chasing re-enrollment. Due to turnover in technology leadership?

- Reach out to public charter schools

- Contractor NDA is a good idea - Alton has a good example

- Google Extensions - do they “store” PII?
NHCTO is happy to assist with anything related to technology leadership.

www.nhcto.org

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Role of the Superintendent

- Set the Tone
- Professional Development
- Budgetary
Annual Administrative Support and Legal Review for Data Privacy Agreements

- Our goal is $1 per student with a cap of $5,000
NH CTO Council Membership

Annual District Membership NH CTO (39 Districts and Growing)

- 0 – 2,500 Students: $340
- 2,501 – 9,999 Students: $965
- 10,000 – 49,999 Students: $1,300
New Hampshire CTO Council Mission

Communicate and provide operational and educational technology resources essential to a thriving 21st-century school district by:

- **Connecting technology leaders** to share knowledge, ideas, and best practices
- **Advocating for all learners** through innovation and customization
- **Providing resources** for educational leaders and policymakers in NH
Member Districts

- Barnstead
- Bedford School District
- Bow School District
- Concord School District
- Contoocook Valley School District
- Epping School District
- Exeter Regional Cooperative School District
- Fall Mountain Regional School District
- Fremont School District
- Gilford School District
- Hampstead School District
- Hinsdale
- Holderness School
- Hooksett School District
- Hopkinton School District
- Hudson School District
- Inter-Lakes School District
- Lebanon School District
- Litchfield School District
- Mascoma Valley Regional School District
- Mason School District
- Merrimack School District
- Merrimack Valley School District
- Moultonborough School District
- Newfound Area School District
- Newport School District
- Oyster River Cooperative School District
- Pelham School District
- Salem School District
- SAU #6
- SAU #34
- SAU #58
- SAU #61
- SAU #70
- SAU #93
- Shaker Regional School District
- Sunapee School District
- Tilton School
- Timberlane Regional School District
Goals

Data privacy is important, and it is our job to protect it.

Work collaboratively to secure student data in a cost-effective way.

Support and benefit from national work.
RSA 189:66, V Breakdown

Develop a data and privacy governance plan that includes:

- **Inventory** of all software applications, digital tools, and extensions
- **Review** of the inventory and **an assurance that they meet or exceed** standards set by the department
- **Update** policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions
- **Develop response plan** for a data breach
- **Require all service providers to meet or exceed** standards for data protection and privacy

Present data and privacy governance plan to school board
SDPC State/Territory Alliances (Green) and in Process (Yellow)

Currently 30 million Students Impacted by over 1250 Applications!
**Digital Tool Database**

- Form for teachers to submit digital tools for review
- Can embed a searchable version of database in website
- Includes fields required in RSA 189:66, V

**Data Privacy Agreement**

- Defines vendor responsibilities when using “School Official” FERPA exception
- Can be mapped to security standards
- Defines requirements for a service provider to meet (RSA 189:66, V)
NH CTO Council Collaborative Status

1. Join SDPC
2. Update Data Privacy Agreement for NH
3. Develop vendor management and legal review process
New Digital Tool Workflow

1. New digital tool is vetted to meet district education goals
2. App is submitted to district application database
3. Provider is sent Data Privacy Agreement
4. Provider agrees and signs
5. District representative signs
6. App is approved and added to district inventory
The Collaborative Will

- Provide strength in numbers
- Assures all member school districts meet standards
- Shares resources and minimizes duplicate time and costs
- Meets the needs of small, medium, and large districts
- Provide legal services beyond the capacity of individual districts to review agreements
Contact Info and Resources

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http://nhcto.org
https://cosn.org

Student Data Privacy Consortium:
https://sdpc.a4l.org/