WISCONSIN LEGISLATIVE COUNCIL

SCHOOL DATA

Room 411 South
State Capitol

July 12, 2016
10:06 a.m. – 3:52 p.m.

[The following is a summary of the July 12, 2016 meeting of the Study Committee on School Data. Visit **http://www.legis.wisconsin.gov/lc** to access links to the agenda, a video recording of the meeting on the Wisconsin Eye website, and copies of documents prepared for or submitted to the committee during the meeting.]

Call to Order and Roll Call

Chair Thiesfeldt called the committee to order at 10:06 a.m. The roll was called, and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT:	Rep. Jeremy Thiesfeldt, Chair; Sen. Devin LeMahieu, Vice Chair; Reps. David Bowen, David Murphy, and Sondy Pope; Sen. Chris Larson; and Public Members Kevin Bruggink, Sally Flaschberger, Wendy Greenfield, Nicole Hafele, Kelly Hoyland, John Humphries, Kim Kaukl, Margaret Murphy, and Ann Steenwyk.
COUNCIL STAFF PRESENT:	Katie Bender-Olson, Senior Staff Attorney, and Brian Larson, Staff Attorney, Legislative Council Staff.
APPEARANCES:	Senator Mary Lazich, Co-Chair, Joint Legislative Council; Terry Anderson, Director, Legislative Council Staff; Jeff Pertl, Senior Policy Advisor, Laura Pinsonneault, Director, Office of Educational Accountability, and Sean Cottrell, Data Governance Coordinator, Department of Public Instruction (DPI); and Sunny Deye, Program Principal, National Conference of State Legislatures (NCSL).

Opening Remarks

Senator Mary Lazich, Co-Chair, Joint Legislative Council, and Terry Anderson, Director, Legislative Council Staff, welcomed members of the Study Committee. They remarked upon the history of the Legislative Council and the procedures followed throughout the study committee process.

Introduction of Committee Members

Chair Thiesfeldt welcomed the committee members, described the committee's study assignment, and made other introductory remarks. Upon the Chair's request, the members briefly introduced themselves.

Presentation by Department of Public Instruction –
Data Collection and Pupil Privacy

Members of the committee heard a presentation on data collection and pupil privacy from Jeff Pertl, Laura Pinsonneault, and Sean Cottrell, DPI.

Ms. Pinsonneault explained the department's vision of preparing all Wisconsin graduates to be college and career ready. Ms. Pinsonneault and Mr. Pertl then presented an overview of student data collection in Wisconsin, and various state and federal provisions requiring the collection of educational data. They described the Wisconsin Information System for Education (WISE), the system for management of data. Much of the data in this system is publicly available through an online portal (WISE dash). The presenters gave examples of data relating to the growth in poverty in Wisconsin, population changes and student diversity, enrollment options, and the use of identification codes to retain anonymity.

In discussions with committee members, the presenters described DPI's goal of incorporating additional categories of data into WISE dash, including choice program data, special education data, and other information that is required to be collected. They discussed protocols of data collection and retention. Mr. Cottrell explained that student data collected by DPI is not subject to the open records law. The presenters also explained that data collection requirements exist as a condition for federal funding used by DPI. Chair Thiesfeldt asked DPI to prepare a list of data elements required to be collected, and the source of legal authority for each requirement.

The members of the committee discussed whether to consider not only student data, but also other types of school data. A consensus emerged that a discussion including all school data may be of value, but that any formal recommendations made by the committee would be more limited based on the study assignment.

Presentation by National Conference of State Legislatures –
Student Data Privacy Efforts in Other States

Members heard a presentation on student data privacy efforts in other states from Sunny Deye, NCSL.

Ms. Deye provided an overview of how data is used by educators and states. She explained that as concern has arisen over data collection in recent years, the state legislative response has been swift. In the last four years, 35 states have enacted laws pertaining to student data privacy.

State responses to student data privacy have been varied. Ms. Deye described Oklahoma's 2013 law, requiring a statewide data security plan and limiting collection and sharing of data without legislative approval. Idaho's 2014 law includes a comprehensive statement of legislative intent. West Virginia's 2014 law establishes a single state officer responsible for oversight of student data privacy throughout the state. California's 2014 law prohibits an operator of a website from collecting a student data profile and using it for targeted advertising. Virginia's 2015 law requires the state education department to develop and annually update a model data security plan for the protection of student data, and to provide technical assistance to districts with the development and implementation of their own security plans. In 2015, Georgia enacted a comprehensive law which pulls together many of the elements addressed in other states.

Ms. Deye also discussed with committee members certain additional issues addressed by states. These issues have included restrictions on targeted advertising, regulation of surveys of nonacademic data without parental consent, use of social media names and passwords, and use of biometric data. There was discussion regarding states' ability to measure school districts' capacity to secure data, and committee members agreed that this capacity appears related not only to website security, but also to control over how information travels. The discussion also touched on data profiling of students by companies, such as Google, that collect large volumes of user data, and the importance of periodic reviews and updates in the law.

Presentation by Department of Public Instruction –
Technology Security

Members of the committee heard a presentation on technology security from Mr. Pertl and Mr. Cottrell, of DPI.

Mr. Cottrell provided an overview of the technical aspects of data security practices at DPI. He described processes for secure storage and transfer of data, along with protocols for redacting information and determining access to confidential data by researchers. In response to questions, Mr. Cottrell and Mr. Pertl discussed steps taken in the event of a data breach, the role played by the Department of Enterprise Technology with respect to safeguarding DPI

data, the impact of data protection requirements at the local level, records retention protocols, and additional protocols related to researcher access.

During the discussion, it was observed that new federal requirements may impact the issues under discussion, as the federal rulemaking process unfolds. It was generally agreed that the work of the committee was likely to be completed prior to the completion of any relevant new federal rules.

Plans for Future Meetings

Chair Thiesfeldt has scheduled the next two meetings of the Study Committee for Tuesday, August 16, and Wednesday, September 14. Members will receive an agenda in advance for the next meeting of the committee, on August 16, 2016.

Adjournment

The meeting adjourned at 3:52 p.m.

BL:ksm