

Missouri Department of Elementary and Secondary Education Data Access and Management Policy

This policy statement pertains to the Missouri Student Information System (MOSIS), which contains data on Missouri schools and districts, including individual student and staff records. MOSIS will be used for the purpose of providing data needed for supporting data-driven, intelligent decision making and to facilitate state and federal reporting, including data required for the federal *No Child Left Behind Act*. When fully implemented, MOSIS will help school districts maintain more accurate information and manage student data more efficiently.

The education information system will be managed by the Department of Elementary and Secondary Education (DESE) in accordance with federal laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA, 34 CFR §§ 300.127 and 300.560-300.576), and Missouri statutes and regulations (e.g., Sections 160.522, 167.020 and 452.376). All of these laws and policies are essential to maintaining the confidentiality of student records as they are collected and as they are maintained within MOSIS.

This policy statement contains information about the procedures that will be used to ensure the confidentiality of student records maintained in MOSIS. It does not expand or in any way change the allowable uses by staff of MOSIS or the availability of the student records to any other educator or member of the public. It also contains information concerning the maintenance of staff data.

Contents of the Missouri Student Information System (MOSIS)

MOSIS is intended to support better decision-making and policies for improving the performance of students and schools, reduce reporting burden (ultimately), help to facilitate the entry of students into a new district, and ensure that timely, high quality data are available to legitimate users.

MOSIS contains information about all public districts and schools in Missouri with students in pre-kindergarten programs (all programs for children prior to kindergarten), kindergarten programs, grades one through twelve, and all students receiving special education services through age 21. Among the data to be maintained are:

- Directory information – names of administrators, address information, school or district type, and other general information.
- Student records – minimal data about student participation in state and federal programs for which reporting is required, including information about English language learners and students in migrant, Title I, and career and technical (Perkin's vocational) education. Assessment data are included in MOSIS. Through the use of a unique state student identifier, links to the existing statewide special education and migrant databases will be used to minimize redundant data collection.

- Staff records – information about teachers’ backgrounds and assignments.

MOSIS contains a selected set of data about individual students that will allow for the assignment of a unique student identifier and that provides a district administrator with the capacity to locate the identifier of a student who has transferred into his/her district from another district within Missouri. The goal of the state ID system is to maintain a unique identifier for every Missouri student such that: 1) only one student is ever assigned a particular number; 2) once a student is assigned a number, that number is always associated with that student throughout his or her educational career or until he or she leaves the state; and 3) a student is only assigned one number so that the student is not duplicated in the MOSIS database.

Most of the data in MOSIS are collected from school districts. Directory information maintains current information. Districts are required to update directory information as changes occur. Other data in MOSIS come from systems maintained at the DESE.

The data elements collected reflect a consensus on what is needed for reporting and decision-making and are based on what is considered best practice as identified by national education groups. Complete descriptions of data elements are included in the MOSIS Data Dictionary. Included are definitions, code sets, formatting information, periodicity, and other reporting requirements. The Data Dictionary is updated whenever changes are made, and districts and schools are informed of changes as soon as possible.

MOSIS includes the following components:

- MOSIS-1 – Student identifier
- MOSIS-2 – Assessment precode
- MOSIS3 – Core data collections
- MOSIS-4 – Data warehouse
- MOSIS Reporting and Security Framework
- MOSIS Directory

The MOSIS manager (on staff at DESE) will be the designated authority to establish and maintain a system of data protection for the student information system in accordance with the Family Educational Rights and Privacy Act (FERPA) and other relevant state and federal laws and regulations.

Definitions and Background to this Policy

Missouri adheres to the confidentiality requirements of both federal and state laws including, but not limited to the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), the Protection of Pupil Rights Amendment (PPRA), and the National School Lunch Act. The following definitions are derived from these and other related documents.

Privacy refers to an individual’s right to freedom from intrusion due to disclosure of information without his or her consent.

Confidentiality refers to an agency's obligation not to disclose or transmit information about individual students to unauthorized parties. Confidentiality consists of the measures used by an authorized agency to protect how personally identifiable information is collected and maintained and when consent by the student or his or her parent/guardian is required to release information.

Personally identifiable information includes, but is not limited to: the student's name; the name of the student's parent/guardian or other family member; the address of the student or student's family; a personal identifier, such as the state student identifier; personal characteristics or other information that would make the student's identity easily traceable. A small set of this information will be used for assigning identifiers and for identifying students who have transferred from another district within the state or who have returned to the state who already have identifiers.

Disclosure means to permit access to, release, transfer, or otherwise communicate personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

Access means to view, print, download, copy, or otherwise retrieve data from a computer, computer system, or computer network.

Confidential data means information that would tend, by itself or with other information, to identify particular person(s). Confidential data includes information which is intended for the use of a particular person/group and whose unauthorized disclosure could be prejudicial to the individual it identifies.

Responsibility of the Missouri Department of Elementary and Secondary Education

The DESE is responsible for setting the standards for what data will be collected and how the data will be provided by districts to the DESE. DESE works with Missouri educators to clearly define each data element that will be collected, including when the data element should be collected, what code set should be used, if any, and any other information that will ensure that the data are correct. In addition, DESE must provide formats for how the data are collected and reporting periods for when districts must submit the data. This information is published in the Data Dictionary available to Missouri educators online or in paper format. To the extent possible, DESE will provide guidance and assistance to districts as they complete the reporting requirements. DESE is also responsible for guaranteeing the security and confidentiality of the data maintained within this system, particularly the student data. (This is discussed in more detail below.) Finally, the DESE is responsible for ensuring that the system information is made available to those with a need to access, and to guard against improper disclosure of the data. (This is also discussed in more detail below.)

Responsibility of the School Districts

As the originators of the data, districts (and their schools) are responsible for the quality, completeness, and timeliness of the data. Districts must provide guidance to schools on how to record data and how to submit the data to the district, and monitor the schools to be sure the data are submitted on time and in the correct format. Districts are required to adhere to the reporting requirements of the DESE. Districts are also responsible for identifying where corrections to their data are needed and completing the steps needed to get the data changed both in their own systems as well as in MOSIS.

Missouri Laws and Regulations Regarding Student Data

Missouri has statutes and regulations that pertain to student records.

- Section 167.020 requires that school districts enrolling a transfer student must request records from all schools previously attended by the student within two business days of enrollment. In addition, school districts that receive a request for records of a transferring student must respond to the request within five business days of receipt of the request. This section also specifies that school districts may disclose education records to law enforcement or juvenile justice authorities.
- Section 160.522 describes the school accountability report card that must be provided by school districts. It specifically says that personally identifiable information for students shall not be reported.
- Section 452.376 describes the non-custodial parent's right to a child's records.
- Sections 610.010, 610.023, 610.024, and 610.026 (Sunshine Law) describe public records of a governmental body, and requirements related to acting on requests for copies of the records no later than the third business day following the date of the request. Requests that are denied must be explained in writing.
- DESE regulation 5 CSR 50-340.200 Annual Public Reporting of Information by School districts specifies the need to use statistical procedures to suppress data about small groups of students in annual public reports.
- The State Plan for Special Education contains a description of the restrictions related to student records contained in FERPA. The penalty for failing to comply with these provisions is the withholding of payment of federal and/or state funds.

Measures Used to Protect Confidentiality

To ensure the maintenance of confidentiality of the student records maintained in MOSIS, this policy includes four privacy and confidentiality protections. These include assignment of a unique identifier, data security, restricted access, and statistical disclosure.

1. **Assignment of a unique number**, called the Missouri Student Identifier, will help to protect the confidentiality of individual student records in the student information system. The Student ID will be computer generated and contain no embedded meaning, and after being checked for duplicates, will become permanent. Duplicates will be reconciled using a set of information, such as the first name, last name, date of birth, gender, race/ethnicity, parent/guardian name, and Social Security Number (if available) of the student.
2. **Security** includes the technical measures put into place by DESE to ensure that records are not lost, stolen, vandalized, illegally accessed, or otherwise rendered useless. The MOSIS server is maintained in a secure location at DESE. The MOSIS manager works with the IT staff to ensure appropriate firewall protection and intrusion detection efforts are in place for the system components. The MOSIS manager and IT staff will monitor security notices affecting the system software and will maintain the current software patches for the system components housed at the DESE. IT staff will monitor the access logs for the database for activity in violation of this Data Access and Management Policy document.
3. **Restricted access** to the data is imposed by this policy and is implemented by the MOSIS manager. It significantly limits who will be able to view the data and for what purposes. MOSIS has four access levels, which are described below. Each of the levels is consistent with a specific educational purpose as defined in Section 99.31 of FERPA.
4. MOSIS will be used to produce summary reports from individual data that relate to groups of students and staff, rather than to single individuals. There are some cases where populations may include only a few individuals. Statistical disclosure is the risk that arises when a population is so narrowly defined that tabulations are apt to produce a reported number small enough to permit the identification of a single individual. In such cases, the MOSIS manager will apply **statistical procedures** to ensure that confidentiality is maintained. For instance, in a search of the state assessment scores of Native American students, a particular school might reveal information about just two students. A possibility of inadvertently reporting personally identifiable information about these students is eliminated by setting a cell size cutoff. The MOSIS manager will block any aggregate results with a statistical cutoff in which fewer than **thirty** students might be disclosed.

STUDENT DATA

A key purpose for collecting individual student records is to provide access to statistical information that improves the education-related decisions of teachers, administrators, policymakers, parents, and other education stakeholders as well as the general public. However, it is essential to ensure that the individually identifiable student information is released only to those persons with a legitimate educational interest.

Access to Student Data in MOSIS

It is useful to think of a single record of an individual student as a folder that contains many pieces of information, such as name, school building number, gender, or date of birth, etc. These are called fields. Every field in the student information system is assigned an access level between 1 and 4, with Level 1 being the highest level. All access levels are assigned in a way that maximizes usage by educators without risking inappropriate disclosure of personally identifiable information.

MOSIS will be accessed through the DESE Web Applications Common Login page. This web page provides restricted access based upon User ID and Password validation. Only individuals who have been authorized by their district administrator through submission of a signed *Login Request Form* or through the *User manager* system are allowed access.

Level 1 Access allows authorized DESE staff to read and write to all the records and fields in the database. This level is only permitted to a minimal number of authorized staff members who operate or manage the database or are responsible for maintaining the accuracy, security, and audit corrections in the performance of their duties. Authorization by the MOSIS manager will be required for this level of access.

Level 2 Access places limits on access to individual student records but not fields. For example, superintendents (or their designees) of local school districts may see all of the fields (data) collected about any of the students in his or her school district and can direct that data be resubmitted if errors are identified.

Level 3 Access provides limited access to individual student records and fields. For example, teachers may be allowed to view some of the fields in the records of their students.

Level 4 Access provides access to a limited set of fields for all students within the state. The purpose of this level is to allow designated district personnel who are responsible for registering new students to determine a student's ID through use of a student locator system. Information that could help to better place a new student for instruction may be included. This is consistent with FERPA Section 99.31(a)(2).

Some DESE staff responsible for audits, operations, accreditation, and reporting to state and federal government agencies will have access to a limited set of fields, excluding student names. The fields that are available to this level will be specified in the data dictionary once they are identified.

In the future, if the DESE develops an online decision analysis system, **public aggregate access** may be made available to the general public, including educational associations, media, real estate agents, businesses, interest groups, etc., to view standard reports and data tables that are produced and published in aggregated formats on the Web, such as the

data now provided in the online Missouri Department of Elementary and Secondary Education Site. Data on individual students **will not** be accessed by anyone at this read-only level.

Release of Student Data to Researchers and Other Agencies

According to FERPA, personally identifiable information about students may be released without parental permission to researchers authorized to develop, validate or administer predictive tests, administer student aid programs, or improve instruction. The MOSIS manager may grant such requests for educational purposes, if privacy, confidentiality, and security are ensured. In addition, the DESE may work with Missouri institutions of higher education to determine the success of students as they move from high school to postsecondary education and to track the successful placement of students who graduated with a concentration in career and technical programs. Authorization at this level is for the sole purpose of increasing the existing body of knowledge about Missouri education. Researchers must submit to the MOSIS manager a written request for permission to have access to personally identifiable data that explains the purpose of the research study, which educational agency or institution the study is being conducted for, and how the researchers will ensure data confidentiality and security. This request will be considered on a case-by-case basis to determine if the request is in accordance with federal and state laws. The release of student data to researchers outside the agency is considered a loan of data (i.e., the recipients do not have ownership of the data). Researchers will be required to destroy the data once the research is completed.

All recipients/users of the requested restricted use data must sign a *Memorandum of Agreement for Disclosure of Individually Identifiable Records Data Sharing and Confidentiality Agreement* that indicates that the user agrees to abide by the Procedures for Protection of Individually Identifiable Student/Teacher Information. If permission is granted, the MOSIS manager shall receive a copy of any analysis or reports created with data from MOSIS. Data access provisions may change if mandated by federal statute, state law, or administrative rules.

Requests for Student Data Access by Students or Their Parents

Upon the request of any individual (or the individual's parent/guardian if the individual is under the age of eighteen) under Section 99.20 of FERPA to gain access to his/her (child's) record contained in MOSIS, the MOSIS manager will provide a copy of all or any portion in a comprehensible form and will consider requests to amend the record. Since the originating sources of the information are local education agencies, parents/guardians should seek first to review and amend the student's record through the originating local education agency. However, DESE will make other appropriate arrangements for parental access and review as needed. This is required under 20 U.S.C. § 1232g(a)(1)(B). DESE may charge a minimal amount for copying this information.

Unauthorized persons must contact the originating local education agency concerning access to personally identifiable student data. They are required to obtain written permission to obtain access from the local education agency as noted in FERPA.

Federal Disclosure Restrictions

A key purpose of the student information system is to provide access to statistical information that improves the education-related decisions of teachers, administrators, policymakers, parents, and other education stakeholders as well as the general public.

Private or confidential data on an individual student shall not be created, collected, stored, used, maintained, or disseminated by the MOSIS in violation of federal or state law and shall not be used for any purpose other than those already stated. If the MOSIS manager enters into a contract with a private individual or third party to perform any of the system manager functions, that agreement shall require that the data be protected in the same fashion.

Under this Policy, no private or confidential data will be released by DESE except to the following parties or under the following conditions as stated in 34 CFR Part 99.31 Final Regulations for FERPA:

- School officials with a legitimate educational interest;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile system, pursuant to specific state law.

Data will be disclosed in these eight circumstances only on the conditions that: (1) the party to whom the data are released does not disclose the information to any third party without the prior written consent of the MOSIS manager, the company who provided the student assessment data (if assessment data are being disclosed), or the school district from whom the data were received; (2) only when the data are protected in a manner that does not permit the personal identification of an individual by anyone except the party referenced in the disclosure; and (3) the data are destroyed when no longer needed for the purposes under which the disclosure was granted.

The MOSIS manager will use appropriate measures to protect the confidentiality of student records and account for all disclosures. This includes keeping a list of the data, nature, and purposes of the disclosure, and to whom the disclosure was made.

Improper Disclosure of Student Records

The MOSIS manager has the responsibility for determining whether a request for access to the student records constitutes a legitimate request for an appropriate usage of student data. If the request does not meet standards established by DESE for the appropriate release of student data, then the MOSIS manager will deny the request.

The MOSIS manager is also responsible for determining if personally identifiable information has been improperly disclosed by a Missouri official or a third party allowed use of the data in violation of this policy. If an improper disclosure is made by someone other than a Missouri official, then the parties will not have access to any MOSIS student data for five years as required by FERPA.

Destruction of Data

All individual student data in MOSIS will be active and then archived for the length of time required by Missouri records retention schedules. Data that are no longer needed will be destroyed in a manner that protects the privacy and the confidentiality of the individuals involved.

STAFF DATA

Staff records in MOSIS consist of limited information about the staff person, including but not limited to background information and assignments. This information is meant to be used for state and federal reporting and long range planning. It is not meant to be used for evaluation of the staff member. Staff evaluations are the responsibility of the local education agency where they are employed.

Access to and Release of Staff Records

Unlike student records, staff records are not strictly protected by federal law. Records of school and district staff who are employees of a publicly funded agency are generally considered “open records.” Release of these records is subject to the Sunshine Law described above.

Requests for Data Access by a Staff Person

Upon the request of any individual to gain access to his/her record contained in MOSIS, the MOSIS manager will provide a copy of all or any portion in a comprehensible form and will consider requests to amend the record. Since the originating sources of the information are local education agencies, staff persons should seek first to review and amend the record through the originating local education agency. However, DESE will make other appropriate arrangements for access and review as needed. DESE may charge a minimal amount for copying this information.

Staff Identifier

MOSIS may use the Social Security Number for staff members as the unique identifier; however, **Missouri law** restricts the release of Social Security numbers. Thus, if individual staff records are released, then a dummy identifier will be assigned where needed.

Destruction of Data

All individual staff data in the MOSIS will be active and then archived for the length of time required by Missouri records retention schedules. Data that are no longer needed will be destroyed.

GENERATION OF REPORTS

DESE will share with school districts the responsibility for reporting data about Missouri schools. School districts will submit data to DESE using the MOSIS Reporting and Security Framework. In addition, districts and schools will be able to get access to their own data (but not data from other schools or districts) through this mechanism. In each school and district specific staff will be provided permission to see individual student records as part of the submission and reporting functions.

As is done currently, select DESE staff will produce regular reports from MOSIS. On occasion, DESE staff may produce a report in answer to a request from policy makers such as the State Board of Education, the Governor's Office or the State Legislature. No one other than specified DESE staff will have access to individually identifiable student data within MOSIS. No reports will be produced with tables containing small enough cells such that individual students can be identified.

Copies of reports will be provided to school districts and will be posted on the MOSIS website.