

STATE DEPARTMENT OF EDUCATION
OCTOBER 3, 2014

SUBJECT

PSAT and Student Data Privacy

REFERENCE

May 14, 2014

Board authorized the sharing of confidential data for compliance with federal education program audits.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Code 33-133 – Student Data Accessibility and Accountability Act (Student Data Privacy Act)

Idaho Administrative Code, IDAPA 08.02.03.105.03, Rules Governing Thoroughness

BACKGROUND/DISCUSSION

The Idaho State Department of Education (Department) sponsors and pays for 10th grade high school students to take PSAT test, a standardized test cosponsored by the College Board and National Merit Scholarship Corporation. This test is a practice test in preparation for the State sponsored SAT which is administered in the 11th (or 12th) grade. Taking the PSAT is a requirement for consideration in the National Merit Scholar program. One of the requirements for high school graduation is taking a college entrance exam, such as the SAT. (IDAPA 08.02.03.105.03). During the 2013-14 school year, over 17,300 10th grade students took advantage of the statewide sponsored PSAT day.

The Department sponsored statewide PSAT test day is scheduled for October 15, 2014. The PSAT is a “paper and pencil test.” Students include their confidential information on a form as they sign up to take the test, on the day of the test. This information is sent by school districts directly to the College Board. The agreement regarding the PSAT is between the Department and the College Board. The school districts do not have a contract with the College Board and are concerned they will violate the Student Data Privacy Act if they send confidential student data to the College Board.

The Student Data Privacy Act, Idaho Code Section 33-133(3)(c)(iii) and (iv), allows a student to voluntarily participate in a program for which such a data transfer is a condition or requirement of participation, and allows the Department or Board to “share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional.” The law also allows for the Board to approve data transfers. The Department has requested that the Board approve the school districts’ transfer of student level data to the College Board for the purposes of administering the PSAT.

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IMPACT

If school districts cannot transfer the necessary data, students will be deprived of the opportunity to take the PSAT test on October 15th. It is anticipated, based on the large number of participants last year, there will be more than 17,500 students prepared to take the PSAT this year.

STAFF COMMENTS AND RECOMMENDATIONS

Section 33-133, Idaho Code allows the Board or Department may share data with a vendor to the extent it is necessary as part of a contract or when a student voluntarily participates in a program for which data transfer is a condition of participation. The College Board is administering the PSAT as part of the Department's contract with College Board. When the school districts send the completed assessments to the College Board they are doing so on behalf of the Department. Students who take the PSAT are doing so voluntarily. While not required, Board approval will allay the districts' concerns. Staff recommends approval.

BOARD ACTION

I move to authorize school districts and charter schools as agents of the Department of Education to share confidential student data contained on the PSAT exam with the College Board, as a vendor of the Department, to allow the College Board to administer the PSAT.

Moved by _____ Seconded by _____ Carried Yes _____ No _____