

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
SEPTMEBER 3, 2015

SUBJECT

Data Management Council Policies and Procedures

REFERENCE

August 2011

Board approved the Data Management Council Bylaws.

February 2015

Board approved revision of the Data Management Council Policies and Procedures

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.O. Section 33-133(3)(b), Idaho Code

BACKGROUND/DISCUSSION

The Data Management Council (Council) is tasked with making recommendations on the oversight and development of Idaho's Statewide Longitudinal Data System (SLDS) and oversees the creation, maintenance and usage of said system. There are 12 seats on the Council. The Council consists of representatives from the Office of the State Board of Education (OSBE), public postsecondary institutions, a registrar, State Department of Education, school districts, Professional-Technical Education, and the Idaho Department of Labor.

The SLDS consists of three separate and distinct databases housed and managed by the State Department of Education, the Office of the State Board of Education, and the Idaho Department of Labor.

Section 33-133(3)(b) requires the state board of education to publish and make available policies and procedures to comply with the federal family education rights and privacy act (FERPA) and other relevant privacy laws. The Council is proposing one (1) change to the current policy. This change adds additional clarity to the definition of when data shall be masked/blurred.

IMPACT

The proposed amendment clarifies when data need to be masked/blurred so as to reduce the possibility of exposure of a student's personally identifiable information.

ATTACHMENTS

Attachment 1 – Proposed Policy Amendment

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STAFF COMMENTS AND RECOMMENDATIONS

The existing policy limits the release of data when the cell size is less than ten or when percentage of students is such that you could identify those that are not within the group. The language in the policy has been met with some confusion concerning when data is appropriate to release. The amended policies and

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procedures clarify that aggregate data, unless approved by the Data Management Council, shall not be released if the released information can be manipulated to identify a group of less than ten (10) students. Data also cannot be released if doing so exposes personally identifiable information on either all or no students (e.g. 0% of students meeting the SAT benchmark or 100% of students graduating high school).

Staff recommends approval.

BOARD ACTION

I move to approve the Data Management Council policies and procedures as submitted in attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAHO STATE BOARD OF EDUCATION
DATA MANAGEMENT COUNCIL
POLICIES AND PROCEDURES

Approved ~~02-19-15~~[09/03/15](#)

Scope

The Idaho State Board of Education (Board) is constitutionally and statutorily charged with supervising public education in Idaho, K-20. The Board recognizes the need to measure how well our public schools are preparing children for higher education and how well higher education is preparing Idaho's future workforce. For this purpose, the Statewide Longitudinal Data System (SLDS) was created. The SLDS was created as a means to evaluate and improve the process by which a student progresses through Idaho's educational system. The SLDS allows the Board to detect strengths or weaknesses in Idaho's educational system by identifying trends in groups of students over time. These trends can then be used to analyze the public and higher education systems in order to improve efficiency, effectiveness, and accountability.

The SLDS will maintain a longitudinal record of students from preschool through all levels of the education system (elementary, middle and high schools, and higher education) and into the workforce. This system is a partnership of separate and unique source systems, including the K-12 system developed by the State Department of Education, the systems in use at the various postsecondary institutions, and the State Department of Labor wage record systems. The agreements between these separate groups allows for user-initiated matching of the data into a single, coherent structure on which longitudinal reporting and analysis can be performed. The privacy of all Personally Identifiable Information (PII) that is collected into the SLDS is protected in accordance with federal and state law.¹ Public reports generated from data within the SLDS do not identify individual students.

The Idaho Data Management Council (Council) is an oversight and controlling body of the SLDS, comprised of representatives approved by the Board from Idaho's public postsecondary institutions, the State Department of Education, the Department of Labor, Professional-Technical Education, Idaho public schools, and Board staff. The Council provides direction and makes recommendations to the Board on policies and procedures for the development and usage of the system, and reports back to the Board as needed on the progress made on issues that require Board consideration. The policies governing the Council and the SLDS are reviewed and approved by the Board of Education.

This policy defines the security of data contained in all parts of the SLDS. The definitions and policies described below are designed to protect the confidentiality of Personally Identifiable Information (PII) contained within Idaho's SLDS.

¹ Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g(a)(4)(A) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014, Idaho Code Title 33, Section 133.

Definitions

Participating Agency – Participating agencies consist of the Idaho State Board of Education, the Idaho State Department of Education, Idaho Professional-Technical Education, Idaho public institutions of higher education, and the Idaho Department of Labor.

Education Records - Information directly related to a student, and recorded in any medium maintained by an educational agency or institution or a person acting for such agency or institution.

Personally Identifiable Information (PII) – Includes: a student’s name; the name of a student’s family; the student’s address; a social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student’s date of birth, place of birth or mother’s maiden name; and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances, to identify the student.²

Disclose or Disclosure is the access to, or to release, transfer, or otherwise communication of PII to any party, by any means.³

Data Breach is the unauthorized acquisition of PII.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

Aggregate Data is data collected or reported at a group, cohort or institutional level and does not contain Personally Identifiable Information (PII).

Data Access Levels are the four data access levels as defined by the Data Management Council as shown below:

Level 1 - Restricted-Use Data – Student-level data that includes PII. Level 1 data requires specific procedures to protect confidentiality.

Level 2 - Restricted-Use Data – Student-level data where all PII has been removed. Merging Level 1 data with Level 2 data would result in a file that is defined as Level 1.

Level 3 - Restricted-Use Data – Aggregate data created from Level 2 data. Data at this level contains no PII. Data at this level can be manipulated to view the data relative to a variety of data elements in compliance with data restrictions.

² Idaho Code Title 33, Section 133

³ Family Educational Rights and Privacy Act, 34 CFR Part 99

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Level 4 - Public-Use Data – Aggregate or summarized data created from Level 1, Level 2 or Level 3 data that contains no PII and is provided in a format that cannot be manipulated to reveal restricted data elements. Level 4 data may be publically released.

Data Standards and Quality

1. The Council shall maintain a dictionary of student data fields collected for inclusion within the SLDS. The dictionary shall include definitions of the data fields and explanations of the purposes for collecting the data (Data Dictionary). The Data Dictionary shall be available to the public via the Board of Education website: www.boardofed.idaho.gov. The Data Dictionary shall be reviewed annually by the Council, as required by Idaho Code, Section 33-133(3) (a). The annual review will ensure that no data is collected into the SLDS other than as set forth in the Data Dictionary. The annual review will include a determination of whether new data elements should be included into the SLDS. Any proposed changes to the Data Dictionary are subject to prior approval by the Board. Any Board approved changes made to the Data Dictionary shall be submitted to the Idaho State Legislature and the Idaho Governor annually for review and approval in accordance with Idaho law.
2. The Data Management Council is responsible for the accuracy and quality of the data contained in the SLDS. The Data Management Council shall conduct an annual review of the data contained in the SLDS to ensure that data collected is in accordance with the definitions in the Data Dictionary.
3. The Council shall recommend to the Board minimum cell size for public reports to prevent identification of individuals. The Board will set the cell size restrictions as required by Idaho Code, 33-133(1)(b).

Access and Security

1. The SLDS data shall be housed on a secure server, as defined through a Memorandum of Understanding (MOU) between the Office of the State Board of Education (OSBE) and the State Department of Education (SDE). All hardware, software, and network infrastructure shall be secured by a firewall from unauthorized external access, require individual user accounts, and be password protected to control internal access.
2. Periodic tests shall be run to ensure that technical safeguards remain effective. Documentation of the dates of tests run shall be maintained at OSBE.
3. Access to the K-12 and postsecondary SLDS shall be limited to those employees of OSBE and SDE who require access to perform their assigned duties. An annual review of existing access shall be performed by the Council.
4. Access to the SLDS shall require the use of a password. Passwords shall be unique to the assigned employee and shall not be shared.

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5. Data uploaded to and downloaded from the SLDS shall be done using secure methods to protect the data from a Data Breach or Unauthorized Data Disclosure.
6. Requests for SLDS data that do not require linking data across participating agencies and meet Level 4 Data Access Level specifications may be fulfilled by the agency that governs the requested data, pursuant to section 33-133, Idaho code.
7. Requests for SLDS data that require linking data across participating agencies or fall within Levels 1, 2, or 3 Data Access Level specifications must be submitted to the Council using the "Data Request Form" and if required the "Acknowledgement of Confidentiality Requirements" publicly available on the OSBE website. Data requests for non-Level 4 data by non-participating state agencies require the completion of an MOU. Data requests for non-Level 4 data external to state agencies require completion of a Memorandum of Agreement (MOA) and "Acknowledgement of Confidentiality Requirements". Approving applicable SLDS data requests will be the responsibility of the Council or its designee. Approved requests will be processed in accordance with applicable state and federal law.
8. Requests for SLDS student-level data by the original custodian of those data may be fulfilled by the participating agency collecting the requested data.
9. The Council will determine that human subjects research requirements are met and approved by an Institutional Review Board (IRB) and any certificates of approval are submitted to OSBE before approval of the research request.
10. The Council will verify that the annual IRB review is completed.
11. The Council is charged with evaluating requests for SLDS data, determining whether access to data is allowed under federal and state law, and ensuring that when access to data is allowed, data is provided at the Data Access Level that is most protective of privacy while still meeting the stated purpose for the request. The Council shall not approve a Data Access Level that provides greater detail than what is necessary to fulfill the data request.
12. In compliance with FERPA guidelines, the Council shall maintain a record detailing all requests for data from the SLDS and including:⁴
 - a. The date of the request and the date of the response
 - b. A description of the data requested
 - c. The data provided in response to the request, if any
 - d. If PII was included in the data provided, the statutory authorization for providing it shall be recorded and a copy of the executed agreement governing the security, use and destruction of the PII shall be maintained in the Board offices.

⁴ 20 U.S.C. 1232g(b)(4); 20 U.S.C. 1232g(j)(4)

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13. Any request by a student or their parent for individual student records shall be redirected to the original custodian of the data.
14. Any release of data approved by the Council will include in the MOA or MOU details on limitations of use of the data, including length of time the data can be used, and procedures for destroying the data when use is complete.
15. Publicly released reports shall contain only aggregate data and not contain PII.
16. PII will not be disclosed unless in compliance with the limited circumstances allowed by state and federal law.⁵
17. If the disclosure of PII is allowed under federal or state law under an exception requiring a written agreement to document the use, security and destruction of the data; data shall not be disclosed prior to the execution of the agreement.
18. PII shall not be stored on unencrypted portable devices or laptops.
- ~~19. If any aggregated data cell size is below 10 or within 9 of 100%, at least two data cell values shall be masked or summarized to avoid small cell sizes being released or calculated. Exceptions can be approved by the Data Management Council.~~
19. Any release of data that would result in the ability to identify the personally identifiable information (PII) of an individual must be approved by the Data Management Council, aggregated to a minimum cell size of 10, or masked/blurred. This includes situations where a calculation can be done to arrive at a single count of less than 10 students that would risk exposure of PII. Instances where 100% or 0% of students fall within one category and would risk the exposure of PII must also be approved by the Data Management Council or masked/blurred since doing so discloses information on either all or no students and thereby violates the minimum cell size policy.

Change Management and Prioritization

1. The Council shall review proposed enhancements to the SLDS and shall set priorities for the development of those enhancements.
2. The Council shall recommend any proposed enhancements to the SLDS to the Board, including changes to the governing policies and procedures which may affect access and security policies.
3. The Council shall review and approve or deny any proposed changes to existing functionality or data definitions of the SLDS.

Training and Communication

1. The Council shall oversee the training of SLDS users to ensure consistency in procedures and adherence to access and security policies.

⁵ Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g(a)(4)(A) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014, Idaho Code Title 33, Section 133

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2. The Council shall review and approve specific training plans established by OSBE, SDE, and the Idaho Department of Labor, for properly securing SLDS data.
3. Training shall include building an understanding of federal and state privacy laws which protect the rights of students and compliance with IRB requirements.
4. The Council shall establish a webpage on the Board's website to provide the public with information pertinent to the SLDS.

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UNIVERSITY OF IDAHO

SUBJECT

The University of Idaho requests Board approval for this revised request to establish secure areas for the purpose of allowing pre-game activities that include the service of alcohol for the 2015 football season.

REFERENCE

2004 through 2013	Each year the Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for the football season.
June 18, 2014	Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for 2014 football season.
June 18, 2015	Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for 2015 football season.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.J. Use of Institutional Facilities and Services With Regard to the Private Sector.
Idaho Administrative Code, IDAPA 08.01.08.100. Consumption, and Sale of Alcoholic Beverages at Public Higher education Institutions.

BACKGROUND/ DISCUSSION

Board policy I.J. provides that Idaho institutions may seek approval for the sale or consumption of alcoholic beverages in conjunction with NCAA football games under certain conditions.

At the June 2015 Board meeting the University of Idaho obtained approval from the Board to continue its prior practice whereby, in the secure areas, patrons may purchase food and beverages (non-alcoholic and alcoholic) from Sodexo, the university's official food service provider, as part of home football pre-game activities.

The University of Idaho now seeks approval for revisions to the service of food and beverages at pre-game activities to incorporate alcohol service to qualified ticket holding patrons prior to home football games in substantially the same manner as was approved for this activity for Boise State University at the June 2015 Board meeting. This service will occur in the Idaho Fan Zone located in the North Kibbie Field and will merge the

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Presidents Circle Pre-Game Function and the Corporate Tent functions from prior years.

As stated in the June 2015 materials, the Idaho Fan Zone will be at a single temporary facility erected at the beginning of the season and taken down at the end of the season, as depicted in Attachment 1 hereto, with alcohol service limited to a designated secured area within the facility and no alcohol allowed to leave the secured area. The structure will also house an alcohol free area (including a Kid Zone). This single facility will enhance institutional control over these events permitted for pre-game service of alcohol. The more substantial temporary structure also eliminates the need for the University Commons and Menard Law Building as alternate "bad weather" locations.

For the Idaho Fan Zone, with the revised service of food and beverages, the following will apply as a supplement to the requirements of Board Policy I.J.2:

1. All patrons must show a valid game ticket to enter the Idaho Fan Zone structure.
2. The Idaho Fan Zone will open three hours prior to kick off and close at the start of the game.
3. The Idaho Fan Zone will be secured to control access to and from the area.
4. There will be one entry point into the Idaho Fan Zone manned by security personnel who will check for valid game tickets of all patrons entering the facility.
5. One ID station will be provided, located inside the facility at the single entry point to the secured area where alcohol will be served. ID's will be checked and special colored wrist bands will be issued to identify attendees over the age of 21 as they enter the secured area.
6. Only those patrons with wristbands will be allowed to purchase and consume alcohol in the secured area.
7. Security personnel from CMS Crowd Management Services, Alcohol Enforcement, who are TIPS trained, will be located throughout the secured area and elsewhere in the Idaho Fan Zone and will be monitoring the alcohol wristband policies and patron behavior.
8. No alcohol making or distributing companies will be allowed to sponsor the event.
9. Security personnel will not allow patrons to exit or enter the secured area with any alcoholic beverages.
10. The University of Idaho campus food provider (Sodexo) will carry the alcohol license and insurance and will provide TIPS trained

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personnel to monitor the sale and consumption of all alcohol to those of legal drinking age only.

11. The above rules for the Idaho Fan Zone will be posted at the entrance on game days. This notice will state that the minimum drinking age in Idaho is 21 and that at no time should the University allow any underage drinking and/or serving of alcohol to visibly intoxicated patrons.

Service of alcohol at the Student Activities Field will be through tents creating a controlled area for monitoring attendance and consumption, with service limited to the tents and no alcohol allowed to leave the tents, in the same fashion as previous years. This area will be limited to visiting institutions hosting a pre-game event.

IMPACT

Again there have been no serious incidences regarding the pre-game service of alcohol through the 2014 football season and the 2015 spring practice football game where service has been approved. The UI creates a restaurant-type atmosphere within the secure areas. Feedback on the events has been very positive, and fans appreciated the opportunity to participate in pre-game events. These types of functions are beneficial to the university and are strategic friend- and fund-raising opportunities.

ATTACHMENTS

Attachment 1 – Maps and Drawings of Service Areas

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STAFF COMMENTS AND RECOMMENDATIONS

Board policy I.J., allows for the sale and consumption of alcoholic beverages on campus grounds in conjunction with NCAA football games with prior Board approval. All requests must comply with the minimum criteria established in Board policy. Any variance from the minimum requirements would require the waiver of Board policy.

To be in full compliance with Board policy the institution must meet the following criteria for events not held in stadium suite areas:

- i. The area must be for sponsors to entertain clients/guests for home football games. Attendance is limited to adult patrons and guests who have received a personal written invitation and must not be open to access by the general public.
- ii. The event must be conducted during pre-game only, no more than three-hours in duration, ending at kick-off.
- iii. The event must be conducted in a secured area surrounded by a fence or other methods to control access to and from the area. There must

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be no more than two entry points manned by security personnel where ID's are checked and special colored wrist bands issued. A color-coded wrist band system must identify attendees and invited guests, as well as those of drinking age. Unless otherwise specifically approved annually by the Board, under such additional terms and conditions as it sees fit, no one under the legal drinking age shall be admitted into the alcohol service and consumption area of an event. The area shall be clearly marked and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area.

- iv. Companies involved in the event must be sent a letter outlining the location and Board alcohol policy. The letter must state the minimum drinking age in Idaho is 21 and that at no time should such companies allow any underage drinking and/or serving of alcohol to visibly intoxicated persons.
- v. Alcohol-making or -distributing companies are not allowed to sponsor the event. In no event shall the institution supply or sell alcoholic beverages directly. In no event shall invitees or participants in such event be allowed to bring alcoholic beverages into the area, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- vi. The food provider must provide TIPS trained personnel who monitor the sale and consumption of all alcoholic beverages to those of drinking age. Any required local catering permit, and applicable state or local alcoholic beverage permits, shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
- vii. Food must be available at the event. Non-alcoholic beverages must be as readily available as alcoholic beverages.
- viii. Security personnel located throughout the area must monitor all alcohol wristband policies and patron behavior.
- ix. Event sponsors/food providers must be required to insure and indemnify the State of Idaho, the State Board of Education and the institution for a minimum of \$2,000,000, and must obtain all proper permits and licenses as required by local and state ordinances. All applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale and consumption of alcoholic beverages, must be complied with. Event sponsors/food providers supplying the alcoholic beverages shall

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assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the event. Further, event sponsors/food providers must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage and coverage limits sufficient to meet the needs of the institution, but in no case less than \$500,000 minimum coverage per occurrence. Such insurance must list the event sponsor/food provider, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.

- x. A report must be submitted to the Board annually after the conclusion of the football season before consideration is given to the approval of any future requests for similar events on home football game days.

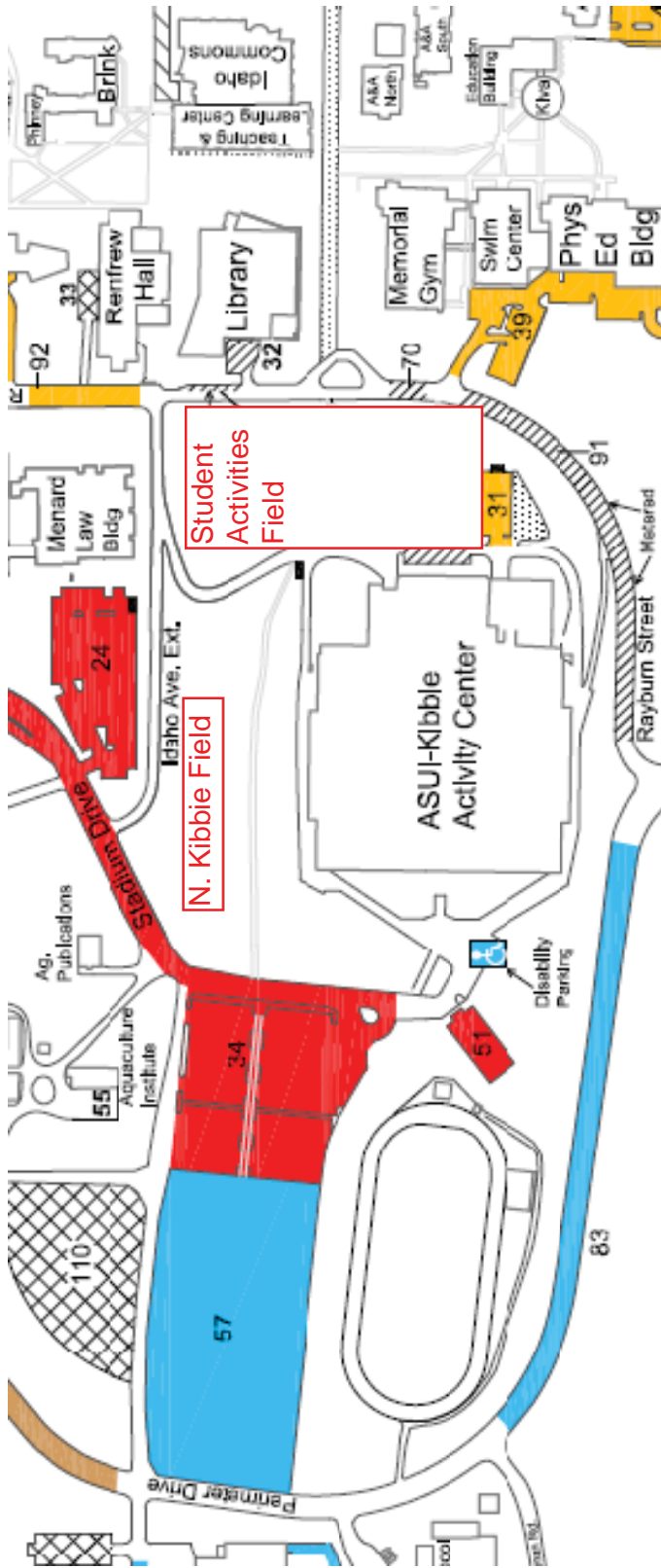
The Board approved a similar request by Boise State University under the stipulation that it be accomplished in full compliance with Board policy I.J. including the minimum provisions provided herein. Boise State University's request was for a single location, the Caven Williams Sports Complex, the University of Idaho's request is for two (2) locations.

BOARD ACTION

I move to approve the request by the University of Idaho to establish secure areas under the conditions set forth in this request, and in full compliance with Board policy I.J., for the purpose of allowing alcohol service during pre-game activities for the 2015 home football season in the North Kibbie Field and the Student Activities Field; a request will be brought back to the Board after the conclusion of the 2015 season for reconsideration for 2016.

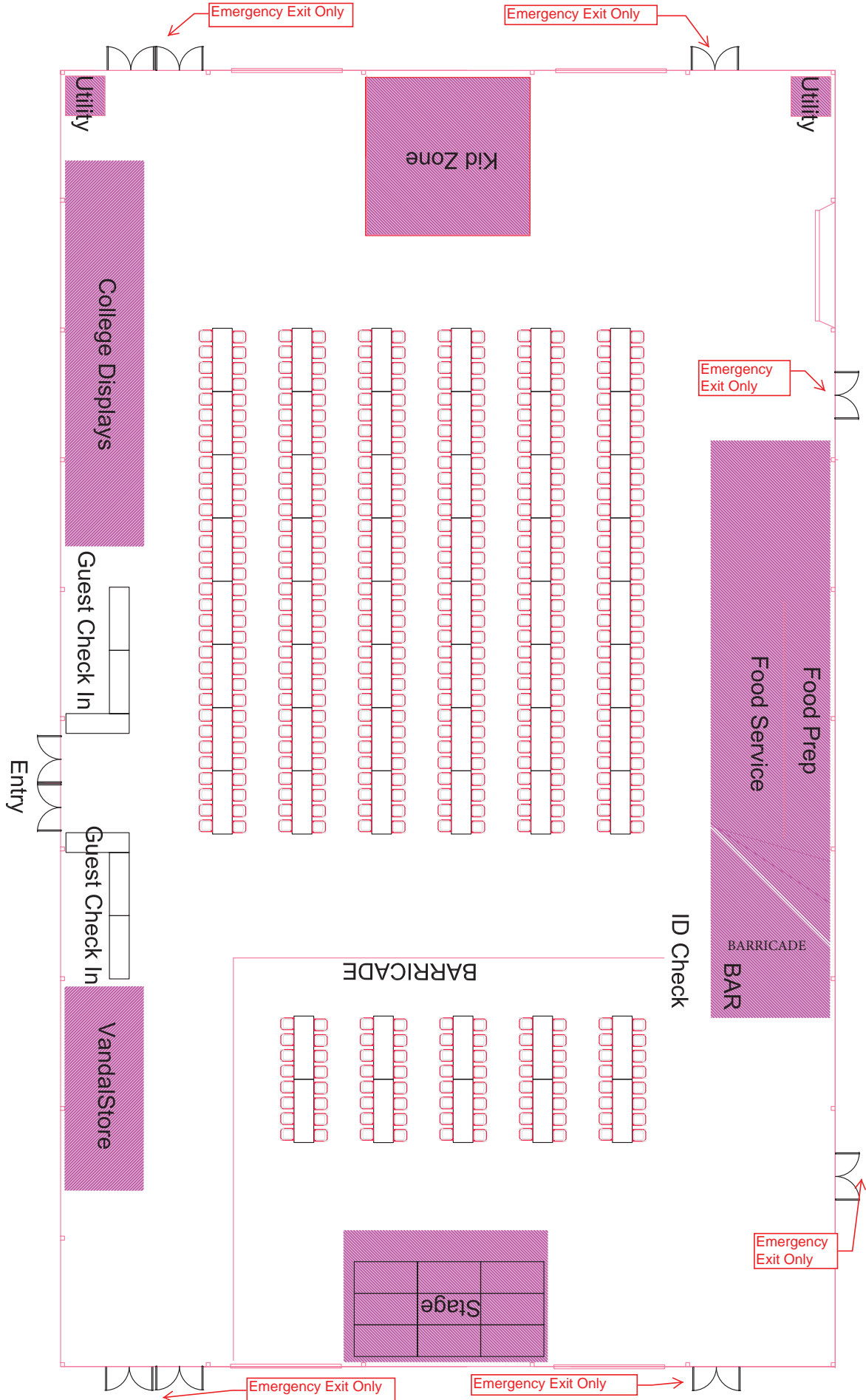
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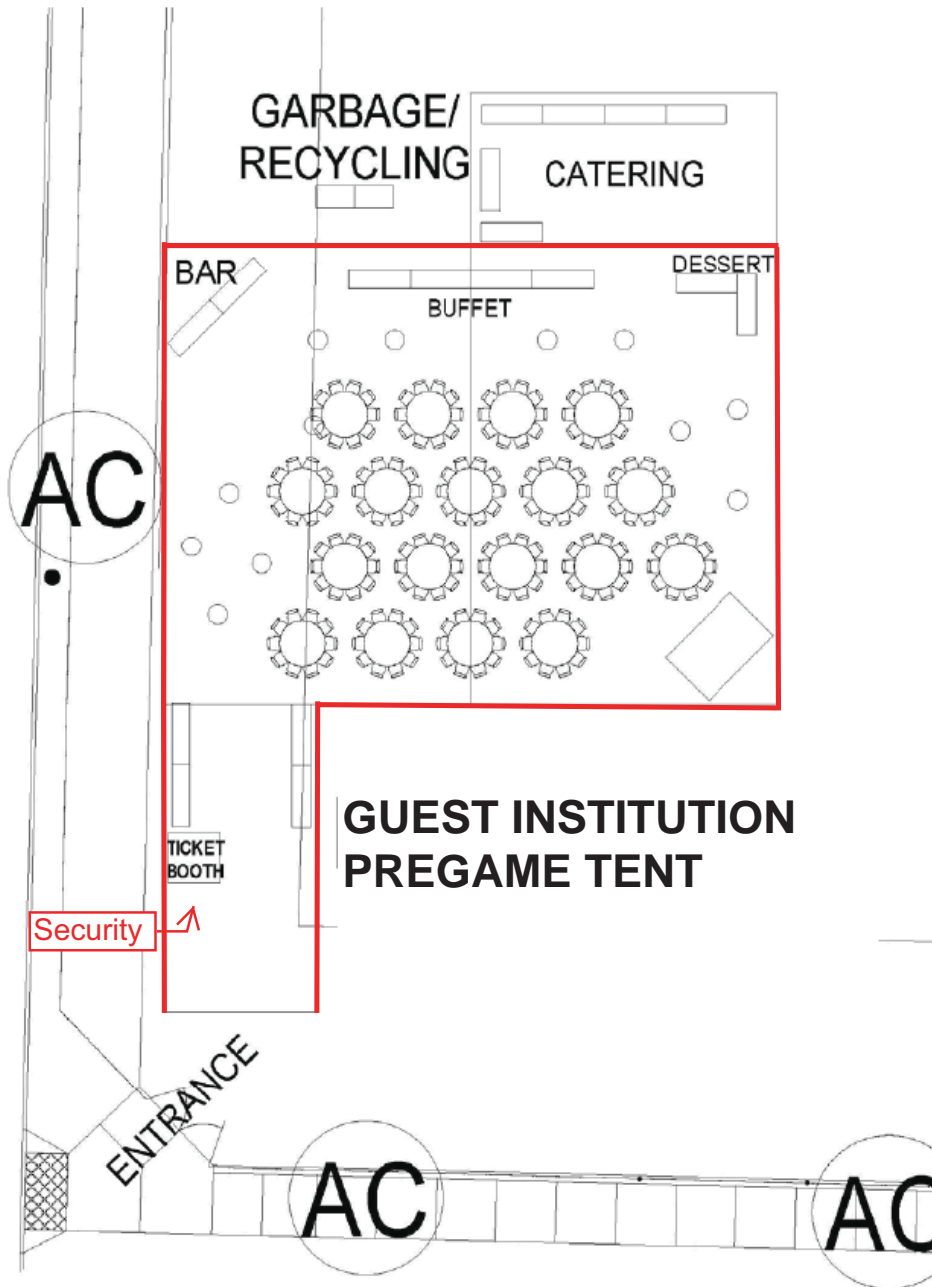
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2015 Vandal Pre-game Activities Map

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