



Review Process for Student PII External Data Requests for Research Purposes

1. What is Student Personally Identifiable Information (PII)?

Student PII is defined as the following in [CDE's PII Protection Policy](#):

“Student Personally Identifiable Information (PII) includes, but is not limited to, information that is collected, maintained, generated, or inferred and that, alone or in combination, personally identifies an individual student or the student's parent(s) or family.

PII, as defined by federal law, also includes 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 with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.”

2. Federal and state regulations that guide CDE review of student PII external data requests for research

Federal Law - FERPA

- The Family Educational Rights and Privacy Act ([FERPA](#)) affords parents and students certain rights with respect to education records. These rights extend to students in all grade levels, beginning in preschool and extending through their years in postsecondary institutions.
- FERPA prohibits the release of student record data without parental or student consent with certain exceptions, including exceptions for specific evaluation and research purposes.
- For a summary overview of exceptions, please see this [resource](#) published by the Privacy Technical Assistance Center.
- CDE cannot approve any student PII data requests for research unless they align with the FERPA studies exception or audit or evaluation exception.

Colorado Law - The Student Data Transparency and Security Act

- The Student Data Transparency and Security Act (22-16-101 et. al., C.R.S.) states:
“The Department shall develop a process to consider and review all outside requests for Student Personally Identifiable Information, other than aggregate student information already publicly available, by individuals not employed by the state who seek to conduct research using school system data or Student Personally Identifiable Information already collected by the department.”
- The process outlined in the remainder of this document was approved by the State Board of Education on September 14, 2016, as required by statute.
- Data sharing is allowable under FERPA's studies and audit or evaluation exceptions is also allowable under the Student Data Transparency and Security Act.

3. CDE Student PII External Data Request For Research Review Process Overview

1. Request Submitted
2. Research Approval Panel Reviews*: Considers the research for validity, privacy issues, alignment with CDE priorities, resource availability, etc.
3. Commissioner Reviews (if needed)*
4. State Board of Education Reviews*
5. CDE Data Privacy and Sharing Office Drafts Data Sharing Agreement (DSA), CDE and Researcher Sign
6. CDE Securely Provides Data
7. Research Completed and Report Delivered
8. Researcher Destroys Data per DSA

* If these parties (Research Approval Panel, Commissioner, State Board of Education) do not approve the research, the process stops and CDE does not move forward.

Research Approval Panel (RAP) Review

The RAP will include CDE members from the following areas:

- Program Experts (familiar with legal requirements for their programs)
- Policy and/or Legal Analyst (familiar with laws and CDE regulations, and policies)
- Research Experts (familiar with research methods and practices)
- Data Owners (responsible for overseeing specific information)
- Data Privacy
- Data Security
- Other employees as needed, e.g., database administrators
- Outside parties (e.g. parents, community members, researchers) as needed and appropriate.

When the RAP reviews the request, it explores the following topics to determine if the research aligns with CDE priorities and strategies, is in the best interest of Colorado students, and if it is appropriate for CDE to provide the requested data:

- Is feasible for CDE to provide the requested data?
- Is the research valid and legitimate?
- Should the data be redacted or limited?
- Is the research of a sensitive nature?
- Does the research have benefit to Colorado education? Does it align to CDE's priorities in order to better serve Colorado students?



The RAP uses a standard set of [evaluation questions](#) for each of these topics, as applicable for each request

State Board of Education Review

If a data request is approved for State Board of Education review:

- The board's Research Review Committee will first review the request and make recommendations
- For review by the full board, the request will be presented to the board during one of its regular monthly public meetings.
 - Researchers should be prepared to present their request via a PowerPoint presentation to the board and answer the board's questions.
 - The request materials will be posted publicly along with the supporting materials for other items on the board's meeting agenda.
 - The board will review the request at one meeting and then vote on the request at a subsequent meeting.

Data Sharing Agreement (DSA)

Should the board approve a student PII data request for research:

- CDE will draft a DSA specific to the research request and confirm the final agreement with the requestor.
- The signed DSA will be posted on the CDE website (as required by Colorado law).
- Please see the [sample DSA](#) for an understanding of what security requirements are necessary for the receipt of approved student PII.

Student PII External Data Request for Research Review Timeframe

- Be aware that due to the need to extensively review all research requests, it will take time to vet new research requests. Please ensure that you build into your research plan at least 6-12 months to complete this process. CDE strongly recommends requesting approval prior to obtaining grant funding for projects.
- If you have questions about the review process outlined in this document, please contact the Data Sharing and Research Manager at DataRequests@cde.state.co.us.