

Gifted Education & Data Privacy

Frequently Asked Questions

The identification of gifted students and the development of an Advanced Learning Plan (ALP) rely on data collection and communication with parents, the student and teachers. This document provides guidance for educators in maintaining a child's data privacy while completing the documents required for gifted education identification and programming.

For specific guidance about the protection of Personal Identifiable Information (PII), it is important that educators consult with their district administration and Information Technology (IT) departments for policies and procedures regarding local communication protocols and management of student records.

Personal Identifiable Information (PII)

What is PII?

As defined by the Family Educational Rights and Privacy Act (FERPA), Personally Identifiable Information (PII) includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; 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.

Student Personally Identifiable Information is defined in Colorado's Student Data Transparency and Security Act as information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by a Public Education Entity, either directly or through a School Service, or by a School Service Contract Provider or School Service On-Demand Provider.

May we request or discuss student information via email within our schools, districts or across districts?

If a student's name or any other PII is included in the email, it is recommended to only use secure methods of communication.

What is a secure system of communication?

It is recommended that any communication containing PII be an encrypted email. While there are email encryption products available for purchase,

Student Privacy and Security

CDE documents its processes, provides guidance and other tools which are available here: <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>.

Exceptional Children's Education Act (ECEA) Rules

12.05(3) Student Education Records
The ALP documents shall be part of the student's cumulative education record.

12.05(4) Confidentiality of Student Education Records
Individually identifiable records of students referred, assessed, evaluated, and/or served through programming for gifted and talented students in any AU shall be held to be confidential and protected in accordance with applicable federal and state laws and regulations. Student records that are collected and/or stored electronically shall be held to current state law and FERPA regulations governing the protection of personally identifiable information and the privacy interests of students.

12.05(5) Maintenance and Destruction of Student Education Records
Gifted student education records and ALPs shall be maintained, retained and destroyed consistent with the ongoing system of student record keeping established in the AU, including its member districts or the Charter School Institute for student records, preschool (if applicable) through grade 12.

Conversation about student personal identifiable information is highly encouraged across district offices and schools.



there are other methods for securing email, if a district is unable to encrypt email correspondence. Most email clients have some methods in place to secure emails. If you cannot encrypt an email, you can password protect the document itself. Instead of sending PII in the body of the email, put all PII in the document. The password is then shared in another medium, not in the email itself.

Gifted Identification

Do we need to obtain parent permission for Universal Screening assessment?

When conducting a universal screening, all students participate in the assessment; therefore, obtaining parent permission is not required. However, best practice suggests parents are aware of assessments and classroom practices.

Is parent permission required for administering additional identification assessments beyond the Universal Screener?

Once a student moves into the formal gifted identification assessment process, parent engagement is initiated. The Exceptional Children's Education Act (ECEA) Rules include districts having a communication procedure by which parents are made aware of the identification assessment process [12.02(2)(c)(ix)]. Rules require that parents are aware of the identification assessment process. This includes procedures, timelines and tools used for the body of evidence. As applicable, follow the policy or procedures that an individual district may have about this.

If a new student enrolls and it is not evident how the student was identified in a previous district, can we contact the previous district to discuss the student's data?

ECEA Rules state that if the receiving district finds the body of evidence to be incomplete, the receiving district shall consult with, as practical, the former district, parents, and student and re-evaluate the identification determination [12.02(2)(e)(iii)]. When sharing this information, ensure that you are using secure communication methods to protect the student's PII. The DMS, Data Management System, is not designed with permissions for access across administrative units, thus an AU cannot transfer data into or from another AU's folder in DMS.

Advanced Learning Plan (ALP)

As we begin the ALP cycle, can we use email to solicit input from all stakeholders?

Notification of ALP development may be emailed to all stakeholders. This is a time when you let parents, students and teachers know the ALP cycle is beginning and provide information and timelines for the process. Once a student's name or even a data set that might identify the student is included in an email, the communication must adhere to the district's policies and procedures for transmission of PII. For additional guidance, see the response to, "What is a secure system of communication?"

I use a district template to create my students' ALPs. Can I save the ALP on my school's computer?

An ALP is a formal education plan and should be under the guidance of the record keeping policy of the district. If files are saved to a computer's hard drive, it is recommended there are security provisions in place or plans are stored on a district's secure network site. Any shared network drive or folder that stores ALPs should be configured to ensure that only those that have a need to see the ALP can access it. Removal of the formal plan off the computer or the network should follow the district's policy for record disposal.

Student Privacy and Security

The U.S. Department of Education's Family Policy Compliance Office oversees implementation of both the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). Both of these laws are aimed at protecting student and parental rights in education.

<http://www2.ed.gov/policy/gen/gu>

**As we develop an ALP, can email be used between teachers, the student and the parent?**

It is recommended that you only use secure methods to transmit and share documents that include PII. It is recommended to not use tools like Google Docs because they are not secure. If using a platform such as Google Docs, it is recommended you take additional steps to secure the information or not include any PII in the documents. An example might be collaborating with a parent to share an achievement goal with a parent using Google Docs. You can remove the student's name or any other identifiers so that only you and the parent know what child is being discussed. If a secure system is not used, it is recommended that approval of the parent is attained to communicate and work with the ALP in this manner is acceptable to her/him.

Can an ALP be emailed to a parent or to a student's new school?

It is recommended an ALP be emailed through a secured, encrypted process. Contact your district's IT department for proper protocols for sending encrypted documents.

If I receive an ALP emailed to me from a student's previous school that is not encrypted, how should I respond?

The ALP is one element in a student's cumulative record file. The transfer of student records involves local policies and procedures. Out of courtesy and respect, you might email the sending party that PII information in ALPs is only transmitted through secure systems. If you do receive an ALP that is not sent using proper procedures and policies, ensure the email and the attached student plan is deleted immediately. Your district may wish to report the email to your IT department to make sure the file has been deleted appropriately.

I have copies of old ALPs from students who have moved or graduated; or from an old paper management system. How do I dispose of them?

Follow the procedures of your district of disposal or transfer of student records. Districts are strongly encouraged to review and comply with the data retention and disposition schedules outlined by the Colorado State Archives in its *School District Records Management Manual*. Contact your district's administration for your policies and procedures in regard to student records.

ECEA Rules state an ALP is a part of the student's cumulative record. Do I need to keep each year's copy of the ALP in the cumulative record or just the most current ALP?

ALPs are a demonstration of programming and progress over time, K-12. They are considered a component of the student's school records and so each year's ALP should be retained.

Our high school merged the ALP into the ICAP. Does a copy of the ICAP need to be in a student's cumulative record?

The administrative unit is obliged to ensure that ALP provisions of content and procedures are met according to ECEA regulations. This includes a means by which the ALP is accessible to the student, parent and teachers to ensure that achievement and affective goals are monitored and aligned to standards. Development of the ALP/ICAP for a gifted student is a collaborative process. Facilitators must be knowledgeable about gifted student needs and gifted education programming. Therefore, the district should ensure there is a system where dialogue and progress monitoring can occur throughout the year. The ALP is a part of the student's cumulative record.

Where can I learn more?

- Gifted Program Questions:
Rebecca McKinney, Ed.D. (mckinney_r@cde.state.co.us)
- Data Privacy Questions:
Jill Stacey (stacey_j@cde.state.co.us)
- Regional Support
Contact your Regional Gifted Education Resource Consultant (GERC)
- To view ECEA Rules: <http://www.cde.state.co.us/qt/lawsregs>