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**TO:** Members of the State Board of Education  
**FROM:** Nancy S. Grasmick *Nancy*  
**DATE:** June 21, 2011  
**SUBJECT:** Privacy Considerations and Website Changes

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**PURPOSE:**

To inform the State Board of changes to the 2011 Report Card website to ensure MSDE's compliance with the federal Family Education Rights and Privacy Act (FERPA). FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) prohibits the release of individually identifiable information to the public. On the other hand, the federal government requires significant reporting of student accountability data to the public. The changes to the website were designed to maximize the information provided to the public while also protecting the privacy of the students.

**BACKGROUND:**

Over the last ten years, there have been significant enhancements to the quality and amount of individual student data collected and reported at the state level as a result of increased federal requirements for reporting to the government and to the public. On the other hand there is now, more than ever, a raised awareness of individual privacy concerns. The desire to provide the public with full information can be in conflict with the need to protect student privacy. At the state level this rarely poses a problem but as the size of the LEA dwindles and for reporting at the school level, full disclosure can inadvertently result in the release of individual student information. This is most common as more demographic data are collected and various subgroups are reported; some of them quite small (i.e. American Indian students with disabilities). The reporting requirements for Title I state that disaggregating the data for specific subgroups may not occur if the number of students in a reporting group or subgroup is insufficient to yield statistically reliable information or if the results would yield personally identifiable information about an individual student (20 U.S.C. § 6311(h); 34 CFR § 200.7).

With the original design of its accountability website many years ago, Maryland began with the goal of reporting as much information as possible to support decision-making at the school, community, LEA and state level. This approach met the needs of the media, researchers, and the real estate community. The website even included data downloads of aggregated data so that researchers could access it and compile it as desired. The one

complaint never heard was that the website contained too much data. However, recent documents published by the federal government and discussions at national meetings question the judiciousness of that original approach. The community's sensitivity to so much data availability means MSDE must change its data release policies and strike a compromise.

Beginning in 2011, Maryland will implement necessary limits on the data reported on the website in accordance with FERPA guidelines. The changes being made are somewhat timely, in that they accompany other changes that must be executed for the 2011 release. The race code subgroups are changing, resulting in a loss of racial group trend data. In addition, the new cohort graduation rate and drop out data are being added to the site. While users will note changes and additions, they can also learn them all at once, supported by new definitions and explanations.

#### **EXECUTIVE SUMMARY:**

The implemented changes were developed from a variety of sources. Staff attended several national meetings where the issues were discussed and best practices of states were presented. The National Center for Education Statistics (NCES) released several useful documents, including one Technical Brief entitled "Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting."

<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2011603>

Staff met with Institute for Education Sciences privacy technical advisors for a one-half day work session. In addition, there was considerable interaction from a consultant who implemented Virginia's website changes.

Most best practices consist of the use of suppression rules (withholding information that releases individual data or withholding certain information to minimize the possibility that mathematical calculations will result in undisclosed data) or re-coding. Re-coding groups data into ranges rather than reporting exact numbers or results.

Staff began by trying singular approaches on the data only to find that a successful solution would have to be comprised of several different types of adjustments applied on an "as needed" basis. For example, the entire website will be changed from reporting any group with five or more students to reporting groups of 10 or more. (Note that "reporting" cannot be confused with "held accountable" – MSDE still uses the N of 5 to determine AYP, but only groups of 10 or more will appear with data on the website.)

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To mitigate the expected increase in data requests from researchers because of the availability of less data on the website, the number and type of data download files will be increased. Those who only require state level data can use the state file that will have minimal suppression (i.e., present the most complete data). Those who need data at the local level can access that file version, which will have more suppression than the state file, but in many cases will still include much of the data. For those requiring school by school analysis, suppression will result in severe limitations to data in many cases.

More specific examples of exactly what kinds of data will be affected as well as the implementation plan will be discussed at the Board meeting.

**ACTION:**

For information only.

NSG:law