

Wyoming Community College Commission

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DATA PRIVACY and SECURITY

Education and the Workforce

*Wyoming Educational Attainment Goals
Family Educational Rights and Privacy Act
Statewide Longitudinal Education Data System
U.S. Department of Education's National Center for Education Statistics
Privacy Technical Assistance Center*

August 2019

Statutory Authority

Wyoming has established the Educational Attainment Executive Council and Educational Attainment Goals per the 2019 Legislative Session in SEA 61. The legislative intent was to continue the work established in the prior Executive Orders 2018-1 and 2018-4. The new legislation, signed into law by Governor Gordon, ensures that post-secondary credential attainment is the work of the State via the Educational Attainment Executive Council (EAEC), which serves as the State's attainment council charged with developing 5-year and 10-year educational master plans to achieve the attainment goals.

Educational Attainment Executive Council Charge: *Develop the 5- and 10-year Ed Master Plans (EMP) to achieve the educational attainment goals of 67% by 2025 and 82% by 2040 as outlined in the Executive Orders and continued in SEA 61, which support ENDOW as well as development of Adult grants and Need Based State Aid programs. The goals outlined in the initial Executive Orders specifically address achievement gaps focusing on underserved populations, including first generation, low-income, minority, and adult students.*

Significant Wyoming legislation impacting educational attainment achievement.

- 2019 SEA 61 legislatively creates the Educational Attainment Executive Council and Educational Attainment Goals for Wyoming. The Council is housed in the Community College Commission with support from the colleges, university, Wyoming Department of Education, Department of Workforce Services, and other agencies. The Council shall report quarterly and suggest any potential areas of action or legislation. Reports will be given to the Governor, University of Wyoming Board of Trustees, Community College Commission, and ENDOW Council. By September 1 of each year, the EAEC will also report including any proposed legislation to the Joint Education Interim Committee and Joint Minerals, Business, & Economic Development Interim Committee.
- 2018 HEA 47 Common Transcript/Transfer Process creation bill.

- (a) The commission shall perform the following general functions:
- (vi) Develop and maintain a common transcript system that uses common course numbering for all courses provided at the community colleges or the University of Wyoming. The system shall facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming. The development and ongoing maintenance of the statewide course numbering system, including determining course equivalencies, shall be accomplished with the assistance of appropriate committees that shall include faculty members and staff of the community colleges and the University of Wyoming. The community college commission, the community colleges of the state and the University of Wyoming shall work collaboratively to develop the common college transcript system under W.S. 21-18-202(a)(vi) as created by this act. The University of Wyoming and the community college commission, in cooperation with the seven (7) community colleges, shall submit a report not later than October 31, 2018 to the joint education interim committee that establishes a plan for development of an electronic transcript transfer system that allows each student information system to send and receive transcript data automatically and establishment of a course equivalence and common course numbering system. The plan shall include recommendations for resource needs and policy or statute changes necessary to accomplish this directive. The system shall be developed by July 1, 2019.

- 2019 HEA 96 Common College Transcript and Transfer Process funding bill. The bill extended the date for implementation of the common transcript/transfer process as created in HEA 47 from 2019 to 2020. It also provided for partial funding of \$202,000 and \$212,000 immediately, and it requires the Commission to request the balance as an exception request in the budget process.
- 2019 HEA 96 Statewide Longitudinal Educational Data System bill statutorily established the Statewide Longitudinal Education Data System (SLEDS). Additionally, SLEDS satisfies the 2010 Wyoming American Recovery and Reinvestment Act federal obligation.

Legal authority of Wyoming to implement legislation within federal student and citizen privacy and security laws.

- I. Common Transcript/Transfer Process as statutorily required, 2048 HEA 47 and 2019 HEA 96, falls within the FERPA allowances.

As reported in the legislatively required joint report of the Wyoming Community College Commission and University of Wyoming HEA 47 Report ID 1262, the Wyoming Attorney General's Office confirmed that data sharing among Wyoming institutions is within FERPA's exceptions for disclosure without consent.

<https://www.govinfo.gov/content/pkg/CFR-2010-title34-vol1/pdf/CFR-2010-title34-vol1-sec99-34.pdf>

Family Educational Rights and Privacy Act (FERPA)

Family Policy Compliance Office
U.S. Department of Education

400 Maryland Avenue, SW
Washington, DC 20202

FERPA permits the disclosure of personally identifiable information or PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. The educational system or institution may disclose PII from the education records without obtaining prior written consent of the student –

- To other higher education officials, including instructors, within the educational system whom the institutions have determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the education parties have outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another institution of higher education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the educational system State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the educational system, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))

II. Statewide Longitudinal Education Data System (SLEDS)

Wyoming will be one of the last three states to implement a SLDS or SLEDS though national support. Wyoming's SLEDS, codified in 2019 HEA 96, meets the state's federal obligation stemming from 2010 ARRA project funding.

<https://nces.ed.gov/programs/slids/>

The specific SLEDS referenced in this legislation, 2019 HB 204 became 2019 HEA 96, is:

(C) Extend to the community college commission, the Wyoming department of education, the department of workforce services and the University of Wyoming a statewide longitudinal education data system, which shall serve as a statewide exchange for management and analytical reporting in support of education and workforce outcomes;”

Based on a national scan and best practices research, other states have leveraged their statewide longitudinal systems to inform policy decisions and make improvements across the state for both educational and employment purposes. Wyoming is planning to utilize SLEDS for various benefits and outcomes in a consistent and similar manner. For example, SLEDS may be used to:

- Conduct predictive modeling on student success and outcomes in the workforce.
- Determine programs and courses that may be in short supply in various parts of the state and articulate across Wyoming institutions.
- Assist the Education Attainment Council with identifying certificates and degrees that currently provide economic value or will provide value in the future.
- Support students attending a Wyoming institution to optimally seek degrees and certificates that enhance Wyoming’s economy.

Wyoming understands security and privacy are of the utmost importance and concern. All security and privacy policies, whether applicable to educational institutions or state agencies, must adhere to the federal and state laws. Specifically, Unemployment Insurance employment laws are more stringent and have deeper monetary penalties and impact to future federal funds than FERPA. As such, Wyoming enlisted the support and guidance of Public Knowledge to develop a governance structure for Wyoming SLEDS. Upon development of the initial governance structure, Wyoming enlisted the support and guidance of the U.S. Department of Education’s National Center for Education Statistics special Privacy Technical Assistance Center (PTAC) to assist with policies and processes to ensure adherence with both FERPA and federal privacy laws. PTAC serves as a privacy and security resource and provides ongoing training to the Wyoming SLEDS participating members. As a result, Wyoming SLEDS policies and procedures meet or exceed all federal and state privacy requirements.

<https://studentprivacy.ed.gov/>

Wyoming executed an 11-party data sharing Memorandum Of Understanding in 2018 that includes the Wyoming Community College Commission, community colleges, University of Wyoming, Wyoming Department of Education, and Department of Workforce Services. As a result, a SLEDS governance structure has been established with an Executive Board consisting of executive-level representatives of the participating entities and four sub-committees tasked with ensuring appropriate use of data, data privacy, and data security. The SLEDS governance structure meets or exceeds the recommendations of the PTAC and has received confirmation from PTAC of meeting all federal privacy requirements.

Furthermore, the Wyoming Attorney General's Office participates in the SLEDS privacy subcommittee and reviews policies before approval within the data governance structure.

The SLEDS governance structure ensures that only anonymized data is used to build aggregate-level and suppressed reports. Based on the SLEDS documented decision, participating stakeholders, including state agencies and institutions, must approve the report prior to public release.

<https://wysleds.org/>