Forum Opening Session

Monday, July 12, 2021

National Center for Education Statistics (NCES) Welcome and School Pulse Panel (SPP)

Forum Vice Chair Marilyn King (Bozeman School District #7, Montana) introduced Peggy Carr, commissioner of NCES, and Chris Chapman, associate commissioner of NCES. Peggy welcomed Forum members to the meeting and thanked them for their time, work, and commitment over the past year. She highlighted two recent and timely Forum accomplishments: the publication of the *Forum Guide to Attendance, Participation, and Engagement Data in Virtual and Hybrid Learning Models* (https://nces.ed.gov/forum/pub_2021058.asp) and the *Forum Guide to Virtual Education Data: A Resource for Education Agencies* (https://nces.ed.gov/forum/pub_2021078.asp). Peggy also noted that the Forum has supported NCES in its work to assist states and districts in responding to the coronavirus disease (COVID-19) pandemic. The Forum has compiled and maintained a list of state education agency guidance documents and information on school reopening plans. The list is available on the NCES Coronavirus Pandemic State Resources webpage: https://nces.ed.gov/programs/coronavirus/.

Chris then delivered a presentation on the SPP for summer 2021 and school year (SY) 2021-22. The panel is one of the efforts that NCES is undertaking in response to the COVID-19 pandemic. It is a new quick-turnaround study to collect extensive data on issues concerning the impact of the COVID-19 pandemic on students and staff in U.S. public elementary and secondary schools. NCES coordinated with the U.S. Centers for Disease Control and Prevention (CDC) in developing the survey instrument. The panel uses an existing sample and survey instrument to quickly collect information on instructional mode offerings, virus spread mitigation strategies, enrollment counts of various subgroups of students using the various instructional modes, school reopening efforts, services offered for students and staff, and technology use. Schools are being selected via a random sample and the data are reported by school district staff and principals from 1,000 U.S. public schools. New statistics are reported each month on an interactive School Survey Dashboard (https://ies.ed.gov/schoolsurvey/), which includes trend summaries, standalone web tables, and data points.

Ghedam Bairu (NCES) invited Chris to discuss the SPP in more detail during an August webinar with the Forum.

Cybersecurity in State and Local Education Agencies (SEAs and LEAs)

Forum Chair Dean Folkers (Nebraska Department of Education) welcomed Steven Hernandez, the chief information security officer of the U.S. Department of Education, who discussed cybersecurity in SEAs and LEAs. He began with an overview of the current threatscape and provided practical countermeasures that SEAs and LEAs can take to protect against these threats. While the threatscape has evolved significantly over the past year, previous attack strategies have reemerged as active threats.

- Ransomware is a type of malware that can compromise a system or device. These attacks have become more prevalent in recent years, with major attacks receiving international attention and costing victims millions of dollars. These attacks can be mitigated through preventive measures, including following the principles of least privilege and least functionality; enabling multi-factor authentication (MFA); regularly backing up, securing

encrypting, retaining, and testing backed up data files; protecting vulnerable internet-facing systems with patching and MFA; and counteracting phishing messages.

- Brute force attacks, during which a hacker repeatedly attempts to gain access by presenting all possible combinations of access credentials until a match is found, have reemerged as a major cybersecurity threat. These are not random attacks, but instead the strategic leveraging of compromised passwords to infiltrate secure systems. Password security measures—enabling MFA; using long, unique passwords; not reusing passwords across multiple accounts or services, and using an integrated password manager—can effectively counter these attacks.
- Teleconferencing risks will continue, even after the COVID-19 pandemic has concluded, due to the continued need for remote meetings. Risks can be introduced through internal vulnerabilities, such as the use of formerly off-network devices and services, and external attacks, such as phishing and vishing (voice phishing). Agencies and staff should leverage the security features available in teleconferencing services, including requiring a password, double-checking meeting Uniform Resource Locators (URLs), and ensuring that teleconferencing software is up-to-date.

Steven also shared best practice information that SEAs and LEAs can use to secure their data and information against cyberattacks. It is important to be proactive and take appropriate action before an intrusion occurs, such as by creating an action plan, conducting a tabletop exercise, having appropriate technology and services in place, and engaging with law enforcement. By building security in from the start, SEAs and LEAs can leverage technologies and systems to help prevent cybersecurity threats. For example, zero-trust architecture is a helpful standard in which users should not be trusted at any time (regardless of whether they operate within or outside of an organization). This approach assumes that networks are hostile, threats are ever-present, locality should not influence trust, everything must be authenticated and authorized, and policies must be dynamic and account for innumerable data sources.

Steven concluded by highlighting federal resources available through the U.S. Department of Education, Cybersecurity and Infrastructure Security Agency, Multi-State Information Sharing and Analysis Center, National Institute of Standards and Technology, National Security Agency (NSA), Department of Defense (DOD), Federal Bureau of Investigation (FBI), U.S. Department of Justice, and General Services Administration:

- *Protecting Student Privacy*: https://studentprivacy.ed.gov/.
- *Ransomware Guide*: https://www.cisa.gov/sites/default/files/publications/CISA_MS-ISAC_Ransomware%20Guide_S508C.pdf.
- *Digital Identity Guidelines Frequently Asked Questions*: https://pages.nist.gov/800-63-FAQ/.
- *Good Security Habits*: https://www.cisa.gov/tips/st04-003.
- *Telework Essentials Toolkit*: https://www.cisa.gov/publication/telework-essentials-toolkit.
- *Zero Trust Architecture*: https://www.nccoe.nist.gov/projects/building-blocks/zero-trust-architecture.
- *NSA Issues Guidance on Zero Trust Security Model*: https://www.nsa.gov/Press-Room/News-Highlights/Article/Article/2515176/nsa-issues-guidance-on-zero-trust-security-model/.

- *Zero Trust Architecture*: https://csrc.nist.gov/publications/detail/sp/800-207/final.
- *DOD Zero Trust Reference Architecture*: https://dodcio.defense.gov/Portals/0/Documents/Library/(U)ZT_RA_v1.1(U)_Mar21.pdf.
- *FBI Internet Crime Complaint Center (IC3)*: https://www.ic3.gov/.
- *FBI Field Offices*: https://www.fbi.gov/contact-us/field-offices.
- *Best Practices for Victim Response and Reporting of Cyber Incidents*: https://www.justice.gov/sites/default/files/opa/speeches/attachments/2015/04/29/criminal_division_guidance_on_best_practices_for_victim_response_and_reporting_cyber_incidents.pdf.
- *NSA's Top Ten Cybersecurity Mitigation Strategies*: https://www.nsa.gov/Portals/70/documents/what-we-do/cybersecurity/professional-resources/csi-nsas-top10-cybersecurity-mitigation-strategies.pdf.
- *FedRAMP*: https://www.fedramp.gov/training/.

He also shared StateRAMP, whose mission is to promote cybersecurity best practices through education, advocacy, and policy development to support its members in improving the cyber posture of state and local governments and the citizens they serve. Steven concluded the presentation by commending the Forum on a job well done in protecting education agencies from cybersecurity threats and encouraged members to reach out to him with any questions.

Forum members engaged Steven in a discussion that addressed

- the effectiveness of using biometrics to log into a password manager;
- different MFA approaches (using text messages vs authenticator apps);
- recommendations for data breach identification websites and password managers;
- the need for a system, device, and software inventory; and
- the impact of misinformation campaigns and steps agencies can take to counteract these campaigns.

Forum Agenda Review
Dean Folkers welcomed Forum members to the Summer 2021 Forum virtual meeting, thanked them for their time, work, and commitment over the past year, and briefly reviewed the agenda for the week.

Recognition of Completed Projects
Dean recognized the contributions of the members of the working groups that developed the *Forum Guide to Staff Records* (https://nces.ed.gov/forum/pub_2021094.asp) and the *Forum Guide to Cybersecurity: Safeguarding Your Data* (https://nces.ed.gov/forum/pub_2020137.asp).

Forum Joint Session

Tuesday, July 13, 2021
Recognition of Completed Projects
Dean recognized the contributions of the members of the working groups that developed the *Forum Guide to Attendance, Participation, and Engagement Data in Virtual and Hybrid Learning Models* (https://nces.ed.gov/forum/pub_2021058.asp) and the *Forum Guide to Virtual*

Education Data: A Resource for Education Agencies (https://nces.ed.gov/forum/pub_2021078.asp).

Recognition of Forum Leaders
Dean recognized retiring members, including several Forum leaders: Marilyn Seastrom, chief statistician of NCES, Jan Petro (Colorado Department of Education), Linda Rocks (Bossier Parish Schools, Louisiana), and Deborah Rodrigues (Pennsylvania Department of Education). Marilyn, Jan, and Linda have contributed extensively to the Forum, and Dean commended their many accomplishments.

Joint Session: Virtual Education and Attendance Panel Presentation and Discussion
Marilyn King began the panel presentation on virtual education and attendance by providing an overview of the *Forum Guide to Virtual Education Data: A Resource for Education Agencies* (https://nces.ed.gov/forum/pub_2021078.asp). During the extended school closures in spring 2020 caused by the COVID-19 pandemic, nearly all school districts across the nation pivoted to virtual education in a short amount of time with limited options available for developing a virtual education program. The swift and widespread adoption of virtual education underscored the need for agencies to address persistent complications, such as the impact of different learning modalities on data collections, and emerging challenges, such as equitable technology access. This resource is designed to assist agencies with collecting data in virtual education settings, incorporating the data into governance processes and policies, and using the data to improve virtual education offerings. The resource reflects lessons learned by the education data community during the COVID-19 pandemic and provides recommendations that will help agencies collect and use virtual education data.

Cheryl L. VanNoy (Saint Louis Public Schools, Missouri) provided an overview of the *Forum Guide to Attendance, Participation, and Engagement Data in Virtual and Hybrid Learning Models* (https://nces.ed.gov/forum/pub_2021058.asp). The COVID-19 pandemic affected the way that many SEAs and LEAs collect attendance data. The widespread use of virtual learning increased the need for attendance data showing that students can access their lessons remotely. At the same time, this widespread use complicated the duty of educators to collect attendance data. This resource was developed as a companion publication to the 2018 *Forum Guide to Collecting and Using Attendance Data* (https://nces.ed.gov/forum/pub_2017007.asp), drawing upon the information included in that resource and incorporating lessons learned by SEAs and LEAs during the COVID-19 pandemic. The information is intended to assist agencies in responding to the current need for these data, as well as future scenarios, such as courses with blended/hybrid learning models or natural disaster situations in which extended virtual education is required.

Jan Petro, Charlotte Ellis (Maine Department of Education), Dena Dossett (Jefferson County Public Schools, Kentucky), Peggy Jones (Pasco County Schools, Florida), and Allen Miedema (Northshore School District, Washington) discussed their agencies' approaches to virtual education and attendance during the COVID-19 pandemic:

- Colorado's state legislation for virtual education allows for multi-district schools or single district schools. Virtual schools must be reviewed by a committee. The SEA compiled learning modality information from LEA websites and surveyed LEAs. The

Colorado Department of Education (CDE) found many schools were not set up to do virtual education and instead had some form of remote education. CDE halted several data collections, curtailed some, and incorporated flexibility into others (such as attendance data) to accommodate virtual and remote learning. This helped reduce LEA data burden, but left CDE without access to critical data. For SY 2021-22, CDE will count the number of 100% remote students and collect school-level data on whole- and partial-day shutdowns. CDE provided guidance for counting attendance and also produced two guidance documents: *Planning for the 2020-21 School Year: A Framework and Toolkit for School and District Leaders* and *COVID-19 Learning Impacts Toolkit* (https://www.cde.state.co.us/learningimpacts). Enrollment declined due to an increase in homeschooling and virtual enrollment, but graduation and dropout rates have not been impacted. Conversations in the state about seat-time alternatives have increased and, looking ahead, some Colorado LEAs have requested new school codes for virtual schools.

- Maine adopted remote education during the COVID-19 pandemic because virtual education is not a feasible option for some families due to geographic or cultural barriers that impact internet access. Maine saw decreases in student enrollment and struggled to determine whether this was due to students being homeschooled, staying at home, or enrolling in private schools. The state only had two virtual charter schools before the COVID-19 pandemic, but LEAs are now working together to provide regional virtual programs for their students. The Maine Department of Education (MDE) did not collect attendance data by learning modality in SY 2019-20 or 2020-21, but will begin collecting daily attendance by learning modality in SY 2021-22. MDE is working with the Common Education Data Standards (CEDS) program to add an option for remote students and will use CEDS elements to collect learning modality data. Looking ahead, MDE will continue to support LEAs by developing non-mandatory guidance.
- Jefferson County Public Schools, Kentucky (JCPS) offered 100% remote learning for all students until March 2021, when families could decide to remain virtual or start hybrid learning (2 days in-person). Some students were prioritized for in-person learning or summer learning programs. The Kentucky Department of Education provided reports on how to track learning modality, as well as how to collect participation data instead of attendance data. The definition of participation broadly measured student interaction. Virtual participation was consistent until JCPS began offering hybrid learning, after which students were more likely to participate in person than remotely. While these data have provided insights into student participation in different learning modalities and have helped JCPS provide additional supports for students, more training is needed on how participation is defined and how the data can inform decisions. Looking ahead, JCPS is considering whether to move away from current seat-time and grading measures. It is also opening a new 100% virtual school for secondary students.
- Pasco County Schools, Florida (PCS) used the three learning models during SY 2020-21: traditional in-person learning five days per week, a virtual option attached to a traditional school for those who did not want to return in person, and an established full-time online learning program that has been offered by the district for several years. The same curriculum and assessments were used across all three learning models to allow students to switch between models. Virtual students attended class synchronously and took assessments virtually, which allowed the district to collect attendance, engagement,

grades, and assessment data for each learning model. These data were used to identify students who were struggling and in need of in-person learning or additional academic support. PCS also conducted an academic diagnostic review and found that the virtual option attached to a traditional school had more rigorous assignments than the in-person learning option. Looking ahead, PCS plans to provide virtual learning during school closures caused by natural disasters.

- Northshore School District, Washington (NSD) was the first school in the United States to shut down after a reported instance of potential exposure to COVID-19. NSD had not previously provided virtual education beyond credit recovery and was concerned that the shift to remote learning would negatively impact struggling students. Data accuracy, reliability, quality, and collections initially suffered, but the district's data improved through working with the SEA on data governance and attendance data. NSD modified its data processes, implemented new rules, and adopted a "do no harm" approach that ensured students' final marks would not be lower than what they had been when students were learning in person. NSD has engaged in high-level discussions related to attendance, homework, and grades, and is focused on determining its capacity on what can be done well as the district returns to pre-pandemic norms.

Forum members engaged the panelists in a discussion that focused on key takeaways and reflections:

- There is a need to reassess previous norms, including attendance, grades, and participation.
- While there is a high desire for agencies to return to normal, there should instead be a focus on creating a new and improved normal.
- Future priorities should address equity, inclusion, opportunity to learn, and achievement gaps.
- Students must be guaranteed access to teachers and learning opportunities.
- Empathy, compassion, and honestly in decisionmaking are necessary.
- Students can show districts and schools what technologies they need to use.
- Data and research will lead the way.

Forum Joint Session

Wednesday, July 14, 2021

Recognition of Completed Projects

Dean recognized the contributions of the members of the working groups that developed the *Forum Guide to Exit Codes* (https://nces.ed.gov/forum/pub_2020132.asp), the *Forum Guide to Data Governance* (https://nces.ed.gov/forum/pub_2020083.asp), and the *Forum Guide to Strategies for Education Data Collection and Reporting (SEDCAR)* (https://nces.ed.gov/forum/pub_2021013.asp).

Joint Session: Federal Updates on Data Collections: ED*Facts* and the Civil Rights Data Collection (CRDC)

Kelly Worthington and Barbara Timm (NCES) and Stephanie Miller (Office for Civil Rights [OCR]) provided an update on two of the largest data collections from SEA and LEAs, ED*Facts* and the CRDC.

Kelly and Barbara provided an ED*Facts* update that included a schedule for the Information Collection Request (ICR) for ED*Facts* covering SY 2022-23, 2023-24, and 2024-25 and the modernization of ED*Facts*. The ICR is currently being developed with U.S. Department of Education program offices and is expected to be released for 60-day public comment in September 2021. Substantive changes and minor adjustments are being proposed in this package. Forum members were encouraged to pay close attention when the package comes out and provide written comments on the package. The ED*Facts* team is also working on a modernization of the collection system, which is 18 years old. Within the current approach, the data are not usable by the U.S. Department of Education upon submission and the post-submission data quality processes are not sustainable, efficient, or effective—it can take a year of data review with the states before the data can be released. Data management improvements, rather than information technology (IT) solutions, are guiding the modernization plan. Modernization will include a pre-submission data quality review for states and community-defined CEDS methodologies to aggregate the required data accurately. The Forum ED*Facts* Modernization Working Group was convened to provide feedback on the potential plans to modernize EDFacts. The feedback is meant to provide information needed to move modernization planning forward with input from the states. The U.S. Department of Education is approximately two to three years away from implementing the modernization plans and will have more details to share with states in September 2021.

Stephanie then provided an update on the CRDC collection. Currently, OCR is working on three different years of data collection. OCR is in the final stages of research and evaluation of SY 2017-18 data, in the pre-collection phase for SY 2020-21 data, and is developing the survey and the ICR for SY 2022-23 data. OCR plans to have the SY 2022-23 ICR package out for a 60-day review in August 2021. OCR will have multiple listening sessions as it develops the survey. The SY 2020-21 collection is replacing the SY 2019-20 collection, which was delayed due to the impact of the COVID-19 pandemic. Initial survey forms were released in January 2021 and then again in April. The plan is for the system to be open from January 2022 through April 2022 to collect the data from LEAs. New directional indicators were added to collect data on virtual instruction for all or part of SY 2020-21. The last administration revised the package before the COVID-19 pandemic; some elements were removed from the CRDC and others were added to the collection.

The presenters engaged in a discussion with Forum members on the following topics:

- Potential changes to the sex/gender categories used in both collections.
- The decrease in CRDC items will help agencies with their reporting burden.
- Some items, such as membership and school type, are collected by the CRDC even though they are also reported to ED*Facts*. Forum members noted that this can lead to data quality issues and asked that OCR remove those items and take the data from ED*Facts*.
- The speakers encouraged Forum members to review both the ED*Facts* and the CRDC ICRs and provide written comments when they are released. Both the ED*Facts* and the CRDC teams plan to have sessions with states to discuss the collections and modernization this fall and offered to meet with Forum members again.

Forum Closing Session

Thursday, July 15, 2021

Recognition of Forum Officers

Marilyn Seastrom recognized the contributions of the Forum officers and commended the Forum on its work. Marilyn also recognized Dean Folkers' upcoming retirement and applauded his leadership of the Forum during the COVID-19 pandemic.

Working with Online Service Providers and Apps

A member of the Privacy Technical Assistance Center (PTAC) Team provided Forum members with a review of best practices and training for staff on working with online education service providers and apps. The presentation addressed privacy and security considerations relating to computer software, mobile apps, and web-based tools provided by a third-party to a school or district that students or their parents access via the Internet and use as part of a school activity.

Protecting student privacy, always an important topic, has become even more important as education agencies have increasingly adopted online services and apps to ensure learning continuity during the COVID-19 pandemic. It is important for education agencies to understand how legal guidance, including the Family Educational Rights and Privacy Act (FERPA), applies to the use of online education services and apps. Sharing data with online service providers requires specific consent under FERPA, with two exceptions. The Directory Information exception allows for the sharing of information in a student record that would not generally be considered harmful or invasive if disclosed, such as a student's name. The School Official exception allows for the disclosure of personally identifiable information (PII) to school officials (such as teachers and principals) for legitimate educational purposes. The School Official exception may also be extended to third parties (such as volunteers and vendors) if school official duties are outsourced through district agreements that conform with FERPA. Additionally, metadata that are stripped of all direct and indirect identifiers are not protected under FERPA.

Other federal privacy laws also need to be followed. The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns certain protected areas, and the Children's Online Privacy and Protection Act (COPPA) applies to the online collection of personal information from children under age 13. Establishing district- and school-level policies that govern the use of free educational services and apps can help ensure that student data are protected per federal and state regulations. Terms of Service (TOS) and click-wrap agreements should also be closely reviewed for conformity with privacy statutes and policies. The presenter walked participants through an interactive exercise that evaluated a fictitious app provider's TOS.

In addition to following required federal and state privacy legislation, SEAs and LEAs are encouraged to adopt best practices for protecting student privacy. Best practices include developing a policy for reviewing service and app agreements, implementing procedures on the use of apps in the classroom, training staff on privacy policies and procedures, leveraging the work of other agencies that have vetted apps and negotiated TOS, maintaining awareness of

relevant law, using written contracts or legal agreements when possible, being transparent with parents and students, and soliciting parental consent when appropriate.

Forum members were interested in learning more about what to do if a contracted provider or vendor breaches an agreement or is not in compliance with FERPA. The presenter noted that agencies should look to the written agreement in the case of a violation, and explained that the agency can file a complaint with the U.S. Department of Education's Student Privacy Policy Office (SPPO). Ghedam Bairu invited PTAC to continue its collaboration with the Forum via future webinars.

Standing Committee Progress Reports
Cheryl L. VanNoy reported on the National Education Statistics Agenda Committee (NESAC). Bradley McMillen (Wake County Public School System, North Carolina) reported on the Policies, Programs, and Implementation (PPI) Committee. DeDe Conner (Kentucky Department of Education) reported on the Technology (TECH) Committee.

Recognition of Completed Projects
Dean recognized the contributions of the School Courses for the Exchange of Data (SCED) Working Group (https://nces.ed.gov/forum/sced.asp) and the Data Visualization Online Course Project Group (https://nces.ed.gov/forum/dv_course.asp).

Forum Election
Dean Folkers presented the slate of proposed 2021-22 officers for a vote. The slate was seconded, and then the Forum voted to approve the following members as 2021-22 officers:

- Chair: Marilyn King
- Vice Chair: Georgia Hughes-Webb (West Virginia Department of Education)
- NESAC Chair: Gunes Kaplan (Nevada Department of Education)
  NESAC Vice Chair: Laura Hansen (Metro Nashville Public Schools, Tennessee)
- PPI Chair: Linda Jenkins (Arkansas Department of Education)
- PPI Vice Chair: Stephen Gervais (San Bernardino City Unified School District, California)
- TECH Chair: Dawn Gessel (Putnam County Schools, West Virginia)
- TECH Vice Chair: Chandra Haislet (Maryland State Department of Education)

Closing Remarks
2021-22 Forum Chair Marilyn King thanked Dean Folkers for his leadership of the Forum. Marilyn urged Forum members to be engaged and involved throughout the year, and also reminded Forum members to complete the evaluation forms.