

Pennsylvania Information Management System (PIMS) and Act 101 Overview

The Pennsylvania Department of Education (PDE) has outlined a new requirement for colleges and universities that apply to receive grants through the Act 101 Program for at-risk students. Institutions that want to receive Act 101 funds are now required to participate in PDE's Pennsylvania Information Management System (PIMS) and must supply student-level data on all degree-seeking undergraduates. After discussions with AICUP, PDE has agreed to extend the deadline for participation in PIMS to the 2009-2010 academic year and exempt current grant recipients from this requirement. However, PDE insists that future Act 101 grants awards will require participation in PIMS. Furthermore, PDE has stated that it hopes to bring all private colleges and universities into the PIMS network.

Overview of PIMS

PIMS is a longitudinal student-level data system intended to improve student achievement through more effective use of data. The implementation of PIMS began in 2006 when Pennsylvania school districts and local educational agencies were required to attach a unique, permanent identifier ("PAsecureID") to the academic record of every pre-K to 12th grade student enrolled in a public school in the state. During the 2007-08 school year, Pennsylvania school districts and local educational agencies began using a Web-based interface to transfer data on students, staff, and curricular offerings to the Pennsylvania Department of Education. Currently PIMS contains data on over 1.8 million elementary and secondary students. PIMS is based on an off-the-shelf software system (eScholar Complete Data Warehouse) and was developed through a \$4 million grant from the U.S. Department of Education. Deloitte Consulting is currently acting as the technical resource and contractor for PIMS.

Although PIMS was developed to meet the data reporting requirements of the *No Child Left Behind* law for elementary and secondary schools, PDE plans to expand the PIMS data collection universe to include Pennsylvania colleges and universities. PDE has stated that the ability to match records of individual students between the public K-12 system and higher education is necessary for educational feedback and improvement initiatives. Currently the 14 universities in the Pennsylvania State System of Higher Education (PASSHE) and the 14 community colleges in the state have agreements with PDE to supply data on degree-seeking undergraduates.

PIMS Requirements for Act 101 Institutions

Colleges and universities applying for grant funding through the Act 101 program have been told to supply PDE with an electronic file containing identifying information on all degree-seeking undergraduates enrolled in the Fall 2008 semester (including full-time and part-time students and Pennsylvania resident and non-resident students). PDE will use this file to match each enrolled undergraduate with an existing student record in PIMS (PIMS should contain a record for all Pennsylvania resident students enrolled in a public school in the state at anytime since 2006).

If a match is found, PDE will return the student's PIMS identifier ("PAsecureID") to the college or university for inclusion in the student's institutional record. If an undergraduate student cannot be matched to an existing record in PIMS, PDE will create a PAsecureID for that student and provide that information to the college or university. In each subsequent semester, colleges and universities must supply PDE with a file containing newly enrolled undergraduate students so that a match can again be attempted with existing student records in PIMS.

In addition to appending a PAsecureID to the institutional student record for all degree-seeking undergraduates, all colleges and universities seeking Act 101 funding must agree to future submissions of student-level data to PDE. A draft PIMS data dictionary supplied by PDE outlines over 200 data items relating to institutional characteristics, faculty, student demographics and course-taking, and financial aid that must be submitted to PDE at five data collection times each year.

Privacy Concerns and FERPA

PDE has justified its request for data on all undergraduate students as a necessary requirement to adequately evaluate the effectiveness of programs funded by Act 101 grants. PDE has also stated that its request to colleges and universities for student-level data is allowable under the provisions of the Family Educational Rights and Privacy Act (FERPA).

Legal reviews of longitudinal student data systems undertaken by The Data Quality Campaign and other organizations suggest that PDE may request student-level data files, and colleges and universities can supply student-level data files, without violating any of the disclosure prohibitions within the Act.

FERPA does allow schools to disclose data on students that is anonymous and does not include personally identifiable information. For example, schools can disclose aggregate data on students that is not traceable to any individual student. In the case of PIMS, PDE argues that the use of an identifier code (PAsecureID) effectively renders student data anonymous. Therefore a data file can be transferred by a school to a state educational agency without parent or student consent and without regard to the disclosure exemptions in FERPA since: 1.) the identifier code cannot be matched to a specific student and; 2.) appropriate security measures will be used to prevent the release of any educational data that could be traced back to an individual.

Further, FERPA does allow the release of personally identifiable information about students from education records – without written consent of the parent or student– if **the disclosure comes under one or more of a list of statutory exceptions.**

Under these exceptions, FERPA does allow state educational agencies to obtain personally identifiable information from students' education records in order to evaluate and audit state or federal educational programs or to implement federal requirements related to those programs. Further, the *No Child Left Behind* Act also permits states to create longitudinal data systems to collect personally identifiable information regarding student performance on state assessments, and enrollment and graduation information and to make such data available to schools previously attended by the student for the purposes of program evaluation and educational improvement.

However, disclosures of personally-identifiable student records are still subject to FERPA requirements that the information not be re-transmitted beyond the authorized representatives of state educational agencies and must be destroyed when no longer needed for evaluation purposes. However, there is no specified time limit in the FERPA Act for destroying these education records. So state educational authorities may argue for the need to maintain them indefinitely on the basis that they continue to be needed for longitudinal studies of school and district performance. Further, student data containing the PAsecureID student identifier that is supplied by colleges and universities to PDE is effectively anonymous and therefore does not fall under the FERPA data destruction requirement; it may also be maintained by the State indefinitely.

Next Steps

There is precedent for independent colleges and universities to remain outside of state student record systems or to participate but to only provide limited data on students. In 2006 the National Center for Higher Education Management Systems (NCHEMS) undertook a study of state student-unit records systems. The study found that while 41 states operated student unit-record systems, in only 6 states were independent colleges and universities required to participate and to provide the same data as public colleges and universities. In 14 other states only selected independent institutions participated in the student unit-record systems or all independent institutions participated but provided data on only a subset of students (such as state residents or state financial aid recipients). In 21 states the student unit-record systems contained data on only students enrolled in public colleges or universities.

Although FERPA, by itself, does not appear to serve as a barrier to providing student-level data to PDE, colleges and universities still maintain the primary responsibility of ensuring that student records are maintained in accord with the privacy protections of FERPA.

Therefore, it is prudent and appropriate to demand specific safeguards from PDE before further discussion on whether student-level data for independent colleges and universities is transferred to the Department.

These safeguards may include:

- Request that PDE provide a detailed plan on how student-level data will be utilized for assessment and evaluation purposes and a timeline for such activities.
- Request that PDE provide an overview of the physical, technical, operational, and administrative controls that will be used to protect student-level data.
- Request clarification from PDE regarding plans for removal of student-level data from PIMS and/or the destruction of the PAsureID link to personally-identifiable information.
- Request that PDE develop and issue guidelines or regulations relating to what access will be provided to student-level data to other educational agencies in Pennsylvania and to outside researchers.
- Seek regulations or legislation resolving the responsibility between individual colleges and universities and the State for FERPA functions for student-level data once this data is transferred to PIMS.