

JOHN A. LAWRENCE
STATE REPRESENTATIVE
13TH LEGISLATIVE DISTRICT



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Carolyn C. Dumaresq, Ed.D.
Acting Secretary of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126

HARRISBURG OFFICE:
52A EAST WING
P.O. BOX 202013
HARRISBURG, PA 17120-2013
PHONE: (717) 260-6117

JENNERVILLE OFFICE:
1 COMMERCE BLVD., SUITE 200
WEST GROVE, PA 19390
PHONE: (610) 869-1602

May 12, 2014

Dear Secretary Dumaresq,

We trust all is well.

Over the past year, we have taken an interest in the implementation of the Pennsylvania Core standards in the Commonwealth. Concurrently, we have a particular interest in data privacy, supporting legislation on the topic as it relates to private student information.

We are interested in gathering information with regard to the Pennsylvania Information Management System (PIMS). Our understanding is that private student data is not accessible by third parties except with parental consent or under certain exceptions identified in federal law (specifically FERPA.)

With this in mind, we are requesting the following documents:

1. Assurance Statements, Memorandums of Use, Cooperative Agreements, Memorandums of Understanding, or any executed Written Agreement, Letter of Intent, or other document with any approved service provider that has access to Pennsylvania student personally identifiable information [PII] data that is currently permitted under FERPA and Pennsylvania policies.
2. The name of any approved service provider that has access to one-way data feeds, or subsets of data, in what format is the re-disclosure made, in what capacity are the data feeds made, and for what specific purposes.
3. The name of the person(s) who sign these Memorandums of Use, Executed Agreements, Assurance Statements, etc. for the re-disclosure of PII data and their positions.

As you are aware, there are several exceptions to the release of PII in the Pennsylvania Student Data and Access Policy. Specifically, exception number four states:

To educational officials in connection with an audit or evaluation of a federal or state supported education program, under Section 99.32(c)(3), subject to the requirements of Section 99.35.

As it relates to this specific section, please advise:

1. What is the definition for "educational official" in Pennsylvania?
2. Which educational officials have accessed PII in connection with an audit or evaluation of a federal or state supported education program? Is the Commonwealth satisfied that the PII involved was handled with due consideration?
3. Please advise on which specific education(al) programs have utilized PII under this section.

In addition, please advise on the following:

1. Does the Commonwealth or PDE have any contracts, cooperative agreements, MOUs, etc. with Pearson PLC, ACT, or Google?
2. Is there any other partnership between the Commonwealth/PDE and a third party entity for the development of digital computer adaptive programming or software?
3. Is Pennsylvania currently using a cloud based repository for student data?
4. Please provide a complete listing of the data elements collected via the PIMS "data dictionary."
5. It is my understanding that both an "authorized representative" and a "school official" would have access to personally identifiable information (PII) of students in Pennsylvania. Please advise how these terms are defined.

We sincerely appreciate you taking the time to compile this information, and request that you forward a response in writing to Representative Lawrence's Capitol office as soon as possible. Thank you for your continued service to the people of Pennsylvania.

Kind Regards,





John Lawrence
13th Legislative District

Dan Truitt
156th Legislative District



Will Tallman
193rd Legislative District



Stephen Bloom
199th Legislative District

Rob Kauffman
89th Legislative District