DATA GOVERNANCE COMMITTEE PROPOSAL
Diagnosis codes in ctclink

The system's Data Governance Committee (DGC) seeks commission, council, and college feedback on the following proposal related to Disability and Accommodation Data in ctcLink.

BACKGROUND

The Washington CTC system historically coded two data elements for students related to disabilities in the legacy system:

1. Student self-report at the time of registration to the yes/no question: Do you have a physical or mental impairment which substantially limits one or more major life activities, such as seeing, hearing, speaking, walking, learning, working, etc?
2. Staff input of the HLTH_LIM code, one or more alphanumeric codes that identified specific categories of disability (e.g. 1A – Deaf, 4G – Attention Deficit Disorder)

With the conversion to the ctcLink system, the coding has changed in ways that neither support student confidentiality nor the preferred work process identified by the Disability Support Services Council (DSSC):

1. The data previously coded as student self-report within legacy was cross walked during each college's conversion to the field labeled "Disabled Check Box". However, this field in ctcLink is on a screen only employees can access and does not allow for student self-report. It is not collected in Data Warehouse.
   a. This issue will be addressed in a separate proposal related to Perkins data collection.
   b. Student self-report is also a critical component of other college reporting.
2. The prior HLTH_LIM code is now input by college staff under Accommodation Data Page. The specific codes remain the same. This coding is also at the person level and is not institution specific and is both in CS and HCM.

The two figures below are screen captures from the current ctcLink pages.

The specific problems with the set up in ctcLink include:

1. Since applied codes are visible across colleges, a student's codes are viewable by all colleges they attend regardless if the student reported a disability to all colleges.
2. Codes applied by one college may be changed/overridden by another college.
3. Changes to the person record in HCM will carry over to CS.

LEGAL CONSIDERATIONS

While the American's with Disabilities Act (ADA) is silent on the issue of confidentiality and protecting student records, the Department of Education and Office of Civil Rights have often relied upon section 503 of the Rehabilitation Act as the standard for compliance. This includes:

- Ensuring information about disability status will be treated as confidential and shared with others on a need to know basis only;
- Disability related information should be kept in separate files with limited access; and
- Documentation of a disability (i.e. diagnosis information) should remain with a single source within the institution.

Source: SBCTC Resource Guide for Serving Students with Disabilities (1997).

Case law "suggests that the ADA contains tools to protect privacy even in the absence of a designated confidentiality provision. It is also worth noting that the Family Educational Rights and Privacy Act (FERPA) protects the confidentiality of students in schools and universities. This may further explain why there is no specific ADA confidentiality provision tied to accommodations in the education context."

Source: "Confidentiality Requirements under the ADA" written by Pflaum, Staff Attorney/Dentons Fellow, Barry C. Taylor, Vice President of Systemic Litigation and Civil Rights, and Rachel M. Weisberg, Staff Attorney/Employment Rights Helpline Manager, Equip for Equality.

Further conversations with the Office of Civil Rights, Seattle in June 2023 also confirmed that disability related medical records if sent to the college in support of approving accommodations shall be treated as records under FERPA and all information must only be accessible by the office and staff providing disability related services to the students.

Based on the information above, the current ctcLink set-up does not comply with the legal expectations around confidentiality.

DATA REQUIREMENTS

At the federal level, colleges must report Perkins data which included student self-reported disability status. A separate proposal related to multiple student self-report data points addresses this need.

At the state level, the data collected from each college within ctcLink only needs to reflect if a student was determined eligible for services based on evidence of a disability and was offered services. This is binary information (yes or no) and does not need connection to time/date stamps.

Data collected via the Disability Accommodation Pool (DAP) relates to the fiscal impact of providing services to students and is not collected via ctcLink.

At the local level, some colleges seek additional information related to prevalence of type of disability, number of accommodations in a given quarter, etc. Disability Support Services offices collect and maintain this information on a local level. Since this is category four data, there should be common guidelines to ensure all colleges maintain the appropriate level of security per the expectations of the Office of the Chief Information Officer for the state of Washington (OCIO).[1]

As noted under legal requirements this information should be confidential to the college and not shared across colleges.

RECOMMENDATION

In support of the DSSC's request and in compliance with applicable law, the DGC recommends implementing the following solution using the existing pages within PeopleSoft:

1. Replace diagnosis codes with "college disability services code" with the formatting of the college code and a "D" for disability (e.g. WA260D for Lake Washington Institute of Technology); this moves the system to reporting only binary information about students with disabilities offered services instead of reporting diagnosis codes. This may mean the "Responsible ID" field is no longer needed on this page.
2. Lockdown the "Accommodation Data" page so it is limited to individual colleges.
3. Update coding to ensure "college disability services code" remains in place for each college and is not "overwritten" by the additional colleges attended by the student; because students attend multiple colleges simultaneously it is critical that the Accommodation Data page allow for multiple simultaneous college codes (e.g. WA260D and WA190D).
4. Hide the Disabled Check Box from the add/update a person screen (PS_DISABILITY data element) as this is not needed and creates confusion.
5. Historic data within the Diagnosis Code field can be cross-walked to the new codes (i.e. any data within the field would crosswalk to the new college code).
   a. The combination of any data in the current Diagnosis Code field with the Responsible ID field should identify the correct college code to use for each student.

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[1] Standards to include but not limited to the following as listed in OCIO policy 141.10:
4.3. Secure Management and Encryption of Data
(1) The storage of Category 3 and above information requires agencies to select and apply encryption, at the discretion of the agency, after completing an agency IT Security Risk Assessment. Agencies must use industry standard algorithms or cryptographic modules validated by the National Institute of Standards and Technology (NIST).
4.4. Secure Data Transfer
Agencies must appropriately protect information transmitted electronically. The transmission of Category 3 and above information outside of the SGN requires encryption such that:
(1) All manipulations or transmissions of data during the exchange are secure.
(2) If intercepted during transmission the data cannot be deciphered.
(3) When necessary, confirmation is received when the intended recipient receives the data.
(4) Agencies must use industry standard algorithms, or cryptographic modules validated by the National Institute of Standards and Technology (NIST).
(5) For agencies not on the SGN, this standard applies when transmitting Category 3 and above information outside of the agency's secure network.

> b. If SBCTC level data cross-walking is not possible, colleges could be directed to download data and later batch upload or manually enter.

6. HCM data must remain on the HCM side and not cross to the CS side; if these pages are not used by college HR teams, those pages could be disabled.
7. Direct the DSSC and their SBCTC liaison to author common guidance to colleges in the protection of category 4, locally stored Accommodation and Diagnosis data.
8. Direct the SBCTC to convert all historic Diagnosis Codes (formerly called the HLTH-LIM field) to a binary yes/no flag to be in alignment with the data moving forward.

This solution has the added benefit of not needing local security changes by each institution since the same PeopleSoft pages can be used by the same staff.

It is also recommended that the Veteran Services Council be consulted about the appropriateness of removing the Disabled Veteran and VA Benefit checkboxes from the add/update person page in ctcLink; these are not used by DSSC membership but may be confusing for college staff. This decision is beyond the scope of this proposal.