Kentucky Department of
**E D U C A T I O N**

District Assessment Coordinators,

The Office of Assessment and Accountability (OAA) has been working with the U.S. Department of Education (USED) to ensure that the Kentucky Department of Education (KDE) and Kentucky school districts are fully compliant with federal privacy laws concerning non-test information provided to third parties when administering the Kentucky state administration of the ACT.

The Parental Consent Form is required for all students under the age of 18 for each administration. Students who have consented previously will need to consent again for any additional administration to participate in the Educational Opportunity Service (EOS) system. Additionally, as preparations are made for back- to-school packets, please include the Parental Consent Form and the parent letter for all students who will be under the age of 18 for the Kentucky state administration of the ACT.

Please see below for more information and guidance.

**Summary**
In order to be compliant with federal privacy law, KDE and school districts must do the following:

- Ensure the parents/guardians of third and fourth-year cohort students under 18 years of age know that the ACT Interest Inventory is optional. Parents can review the ACT Interest Inventory questions before a student is asked to complete the inventory.
- Ensure the parents/guardians of third and fourth-year cohort students under 18 years of age have provided consent for students to participate in the EOS and/or request score reports sent up to 4 colleges.

    o ACT is prohibited from providing scores to colleges or information from the EOS service to third parties without consent.

    o Currently, ACT's processes are automated. No technological solutions can be instituted for the Kentucky state administration of the ACT. ACT cannot suppress sharing score reports and/or information with third parties if a student under 18 years of age signs up to send score reports to colleges or participates in the EOS and does not have consent.

    o Districts must seek consent for non-test information for students under 18 years of age that take the Kentucky state administration of the ACT. Districts must

identify students without consent, via a state-use question, in the Pearson Access[next] (PAN – The ACT management platform). MyACT status can be tracked on the Student Code Usage Status report.

- o To access the report: (For the report's availability, check the schedule of events for each administration.)
  - DAC or BAC selects the school, not the district, in the upper right corner, in the black bar
  - Select Reports
  - Published Reports
  - The Student Code Usage Status report displays on the lower middle part of the page
  - The school can click on the link to download
  - Column F shows whether each student has entered their student code in MyACT

## Guidance

### Interest Inventory

- All parents/guardians should be provided with information about the ACT Interest Inventory and access to the questions before students complete the inventory. KDE has included a section in the sample parental consent document that meets this requirement. School and district staff may also consider including the ACT Interest Inventory information in other forms of communication to third and fourth-year cohort parents (email, newsletter, etc.).

- ACT Interest Inventory

  If the ACT Interest Inventory is completed, Kentucky students will have access to information for planning beyond high school by completing the non-test portions of the ACT. The ACT Interest Inventory is completed prior to the test date and considered part of the "non-test" portion of the assessment. In completing the non-test portions, students will provide information that will result in personalized career information and a comprehensive profile for colleges that demonstrates work done in high school and future plans. As part of the Interest Inventory, students are asked questions related to interest in post-secondary education, educational needs and interests, factors influencing college choices, etc. The interest inventory questions are optional and can be found on the MyACT Profile. The parents can direct their students not to participate in the interest inventory or skip specific questions.

### Parental Consent for EOS and Score Requests

- The non-test activity for examinees is completed on the MyACT website, regardless of test mode (paper or online). Students **with** consent can complete the non-test activity from their homes. However, it is the expectation of KDE that at least one support session be held for students **with** consent prior to testing. As a last resort, schools can utilize the two days after testing for a small number of students. The two days after testing should only be used as a last resort. The day of testing should

never be utilized for a MyACT support session.

- Separately, testing staff will need to hold a support session for students **without** consent for the Non-test Instructions Form. Students **without** consent should be guided through the non-test portion of the test at school. If the school guides all students through the non-test portion of the test, KDE recommends that students under 18 years of age **without** consent complete the non-test portion of the exam at a different time and/or location than students with consent. Separating these two cohorts will help test administrators confirm that the students are not completing the specific sections of the non-test activity, which impacts EOS opt-in and score reports provided to third parties.
- Students **without** consent should be instructed to skip questions related to the following topics:
  - Opting into ACT EOS
  - Requesting score reports be sent to colleges or scholarship agencies

Tracking Students **Without** Consent within PAN

- Districts must indicate that a student does not have consent by answering a state use question in the PAN system.
  - The first question for each student in the State Use Question will allow districts to indicate they have not received consent from the parent/guardian.
  - The question will read, "Has the school received parental consent that allows ACT to share scores and information with third parties?" The answer options are as follows:
    - The default will be "blank." A blank value means a student has consent. The state use question will be left blank if a student has consent.
    - "The student is not yet 18 years of age, and the school has NOT received parental consent to release scores or information to third parties."
  - This question only needs to be answered for students **without** consent.
  - If the student **has** consent, the question should be left blank. Blank answers are understood to mean that the student has consented.
  - KDE will let districts know when the State Use Questions are available in PAN. Districts should plan to ensure that Question 1 is answered for all students who do not have consent.

Consent Forms
- KDE has provided a sample form for districts. Districts can use the form as presented or can customize the form to suit the district's objective.
- KDE encourages districts to have their legal counsel review the sample form before using it.
- Districts should keep completed consent forms on file at the school or district level.
- The sample form will be added to the KDE ACT page and the State

Hosted ACT Page.

- Districts can obtain signatures physically or electronically through Google Docs or email. When collecting signatures electronically, staff should consult with district administrators and review any applicable local board policies regarding obtaining consent electronically.

Additional Information

- KDE understands the limited time and complex logistics our districts may face; however, it is the expectation of KDE that all districts follow the provided guidance to the best of their ability.
- In future years, districts may attempt to obtain consent from third and fourth-year cohort students at the beginning of the school year. This process could be digital if districts have reliable methods to obtain digital consent.
- As KDE and schools navigate this additional requirement, ACT and OAA will track questions and share useful new information with all DACs.
- KDE may request a copy of the parental form at the local level should a need arise for the information.