

Agenda Item #:

ITEM TYPE: Action

BOARD AGENDA ITEM

TITLE: Approval of Board Policy AF: Student Data Privacy

DATE: August 14, 2019

OVERVIEW: Policy AF: Student Data Privacy was revised to update procedures and operational definitions to protect personally identifiable student information while using digital tools for instructional purposes. The policy has been available for public comment for two months. There have not been any recommendations for changes but rather support for need of the revision.

LINK TO STRATEGIC PLAN:

Pillar I: Provide Multiple Pathway Opportunities for Student Success

Objective: 1.i: Students exit CCPS college, career and community ready.

Objective: 1.iii: CCPS provides access to a well-rounded, varied, and rigorous curriculum to all students.

Pillar III: Develop and Support a Successful Workforce

OBJECTIVE: III.iii: CCPS leaders promote a culture of continuous improvement of academic achievement, employee growth and operations.

Pillar IV: Establish Safe, Secure, Healthy and Modern Learning Environments

OBJECTIVE IV.iv: CCPS provides safe and secure schools, facilities, and assets that serve our students and communities.

OBJECTIVE IV.v: CCPS maintains modern schools, facilities, and resources that support the educational program.

FISCAL IMPACT: None

RECOMMENDATION/FUTURE DIRECTION: CCPS Staff seek action of an approval from the BOE to adopt Policy AF: Student Data Privacy.

Submitted by:

Jason A. Anderson, Chief Academic, Equity and Accountability Officer

Approve/Concur:

Jason A. Anderson, Chief Academic, Equity and Accountability Officer

Steven A. Lockard, Ph.D., Superintendent of Schools

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		Reviewed/Updated	January 11, 2017 TBD August 14, 2019
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Policy

1. Purpose

To establish standards and procedures for protecting personally identifiable student information while using digital tools.

2. Definitions

The words used in this policy shall have their normal accepted meanings except as set forth below.

Digital Tool - any website, application (app), or software that requires a student account with a username and password.

Essential Digital Tool - digital tools that CCPS considers necessary to deliver educational programs or operational services that support the goals of the system and with whom CCPS maintains a contract and/or data sharing agreement in order to protect students' data privacy and security.

Personally Identifiable Information (PII) – any information, that alone or in combination, would make it possible to identify an individual with reasonable certainty. (as defined by Student Data Governance; MD § 7-2001 and the Family Education Rights and Privacy Act (FERPA)).

School Official- a school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by Carroll County Public Schools as an administrator, supervisor, coordinator, instructor, or support staff (such as guidance counselor, health or medical staff, pupil personnel worker, school psychologist, and security or law enforcement personnel), and a person or organization with whom the school system has contracted to perform a special task (such as an attorney, auditor, medical consultant, therapist, or educational service provider). (as defined by Policy JRC).

Operator - “Operator” means a person who is operating in accordance with a contract or an agreement with a public school or local school system in the state to provide an internet web site, an online service, an online application, or a mobile application that: (i) is used primarily for a Prek–12 school purpose; (ii) is issued at the direction of a public

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school, a teacher, or any other employee of a public school, local school system, or the department; and (iii) was designed and marketed primarily for a Prek–12 school purpose. (defined by Student Data Privacy Act of 2015)

Supplemental Digital Tools - digital tools that are used to extend and support instruction and address the needs of all learners.

3. Policy Statement

Digital tools support and enrich student learning and operational services by providing access to electronic information, communication tools, and online applications. This policy establishes guidelines to help maximize the responsible use of digital tools and maximize the security and safety of student data when engaged in a digital environment.

4. Exceptions

None

5. Guidelines

The Board of Education follows all federal and state laws concerning the privacy of student data and applies the guidance of the United States Department of Education when setting procedures to ensure the privacy of student data.

6. Reports

None

7. Expiration/Review

The policy will be reviewed annually to ensure compliance with all new developments with federal and state student privacy law(s).

8. Delegation of Authority

The Superintendent/Designee is responsible for the implementation of this policy.

9. Effective Date

January 11, 2017

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10. References

- A. The Family Educational Rights and Privacy Act (FERPA ; 20 U.S.C. § 1232G; 34 CFR Part 99)
- B. The Student Data Privacy Act of 2015 (MD Education Code Ann. § 4-131)
- C. Student Data Governance (MD Education Code Ann. § 7-2101)
- D. Disclosure of Directory Information (Policy JR)
- E. Family Educational Rights (Policy JRC)
- F. Selection, Evaluation, and Adoption of Instructional Materials (Policy IIAA)
- G. Privacy Technical Assistance Center, US Department of Education

	Foundations and Basic Commitments	Administrative Regulation #	AF
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Administrative Regulation

1. Purpose

These regulations are intended to ensure students' personally identifiable information is protected when digital tools are used as part of the CCPS curriculum or operational services.

2. Scope

These administrative regulations outline the process and standards for review, approval, selection, and proper use of digital tools for use in the Carroll County Public Schools (CCPS) system.

3. Definitions

Board of Education Policy AF – Student Data Privacy contains the following definitions:

Digital Tool - any website, application (app), or software that requires a student account with a username and password.

Essential Digital Tool - digital tools that CCPS considers necessary to deliver educational programs or operational services that support the goals of the system with whom CCPS maintains a contract and/or data sharing agreement in order to protect students' data privacy and security.

Personally Identifiable Information (PII) – any information, that alone or in combination, would make it possible to identify an individual with reasonable certainty (as defined by Student Data Governance; MD § 7-2101 and Family Education Rights and Privacy Act (FERPA)).

School Official- a school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by Carroll County Public Schools as an administrator, supervisor, coordinator, instructor, or support staff (such as guidance counselor, health or medical staff, pupil personnel worker, school psychologist, and security or law enforcement personnel), and a person or organization with whom the school system has contracted to perform a special task (such as an attorney, auditor, medical consultant, therapist, or educational service provider) (as defined by Policy JRC).

Operator - "Operator" means a person who is operating in accordance with a contract or an agreement with a public school or local school system in the state to provide an internet web site, an online service, an online application, or a mobile application that: (i) is used primarily for a Prek–12 school purpose; (ii) is issued at the direction of a public school, a teacher, or any other employee of a public school, local school system, or the department; and (iii) was designed and marketed primarily for a Prek–12 school purpose. (defined by Student Data Privacy Act of 2015)

Supplemental Digital Tools - digital tools that are used to extend and support instruction and address the needs of all learners.

4. Procedure

I. General Provisions

- A. All use of digital tools shall be consistent with the mission and objectives of CCPS and shall comply with established CCPS policies, procedures and federal, state and local laws and regulations.
- B. Only the Superintendent or the Superintendent's designee shall have the authority to approve contracts for digital tools.
- C. The use of supplemental digital tools is optional. No parent or student shall be required by CCPS to sign user rights agreement.
- D. CCPS reserves the right to monitor and inspect staff and student use of digital tools at any time, in order to ensure the protection of students' personally identifiable information.
- E. Digital tools that require a student account and are essential to college and career programs such as professional organization, college application, Career and Tech Ed programs, online courses, post-secondary service, certification exams, may be utilized with parental consent.
- F. CCPS shall not be responsible for any claims, losses, damages or costs (including attorney's fees) of any kind suffered, directly or indirectly, by any user or his or her parent(s) or guardian(s) arising out of the user's use of digital tools, or CCPS's computer networks, or the Internet under this policy.
- G. Any digital tool that requires the submission or release of students' personally identifiable information must be approved by the CCPS Tech Request Review Team prior to use.

II. Student Data

- A. Employees shall follow applicable state and federal laws related to student privacy in the release of personally identifiable (PII) student data. It is the responsibility of the user to recognize whether the digital tool they are using is collecting protected student PII.
- B. CCPS will ensure that all operators or school officials that provide essential digital tools comply with the MD Student Data Privacy Act of 2015.
- C. CCPS may negotiate a data sharing agreement to ensure the protection of student PII if the vendor's terms of use and/or privacy policy do not meet the identified criteria.
- D. After a review by the Tech Request Review Team, digital tools that are not provided by school officials or operators and do not meet CCPS review criteria may be used if parent permission is obtained.
- E. No employee or contracted third party may claim ownership rights, property rights, or the copyright to a student work product or relinquish any of these rights to a party acting for or on behalf of the school system.

III. CCPS Tech Request Review Team (TRRT)

- A. The TRRT shall review all digital tools that require the creation of a student account and/or contain student PII, including both essential digital tools and supplemental digital tools.
- B. The TRRT shall include content supervisors, the Instructional Technology Team, Technology Services Analysts, and Technology Services Managers.
- C. The TRRT shall create, distribute, and maintain procedures for requesting, reviewing, and communicating decisions concerning the use of digital tools that require the submission of student PII.

IV. Procedures for the Review of Digital Tools

- A. Essential digital tools that release student PII to operators and/or school officials shall be approved by the TRRT before use by employing one of the following criteria:
 - The vendor of the digital tool has signed the Future of Privacy Forum Student Privacy Pledge; or
 - The vendor of the digital tool meets the criteria defined by the Student Data Privacy Act of 2015 to ensure that operators:
 1. Protect covered information from unauthorized access, destruction, use, modification, or disclosure
 2. Implement and maintain reasonable security procedures and practices to protect covered information
 3. Prohibit targeted advertising if the advertising is based on information, including covered information and persistent unique identifiers

4. If covered information is under the authority of a public school or local school system in accordance with a contract or an agreement, delete within a reasonable time the covered information if the public school or local school system requests deletion of the covered information.
5. Process student data only for specified purposes
6. Prohibit disclosure of student data to an additional party
7. Prohibit processing of student data for commercial gain beyond that of the specified contractual purpose

- B. Supplemental digital tools with student accounts that require student PII for use must be approved by the TRRT before use by employing one of the following criteria:
- The vendor of the digital tool has signed the Future of Privacy Forum Student Privacy Pledge;
 - The vendor of the digital tool has signed the Clever Library Universal Agreement; or
 - The vendor of the digital tool meets the criteria defined by the Student Data Privacy Act of 2015
- C. Supplemental digital tools with student accounts that use only directory information and/or CCPS email will be entered in the Tech Request System. The teacher will ensure that prior to using the digital tool that no student PII is collected.
- D. Supplemental digital tools that do not require student accounts or student information may be used without TRRT review.

V. CCPS Teachers/Staff/Administrations

- A. All requests for digital tools must be entered into the Tech Request System.
- B. Teachers must obtain parent/guardian permission when required by the user agreement or CCPS guidelines for use.
- C. Teachers are responsible for modeling digital citizenship and monitoring safe and appropriate use of digital tools by students.

VI. Students/Parents

- A. Students are responsible for adhering to the Technology Acceptable Use Policy while using digital tools.
- B. Students may only release personal information that is considered Directory Information and/or CCPS email unless their parent/guardian has opted out of sharing Directory Information.

VII. Appeals process

All appeals of the decision of the TRRT should be forwarded to the Reconsideration Committee as detailed in the Selection, Evaluation, and Adoption of Instructional Materials Policy (Policy IIAA).

5. References

- A. The Family Educational Rights and Privacy Act (FERPA; 20 U.S.C. § 1232G; 34 CFR Part 99)
- B. The Student Data Privacy Act of 2015 (MD Education Code Ann. § 4-131)
- C. Student Data Governance (MD Education Code Ann § 7-2101)
- D. Disclosure of Directory Information (Policy JR)
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- F. Selection, Evaluation, and Adoption of Instructional Materials (Policy IIAA)
- G. Privacy Technical Assistance Center, US Department of Education