

Privacy and Protection of Confidential Student Information

The Board is committed to protecting the confidentiality of student information obtained, created and/or maintained by the BOCES. Student privacy and the BOCES's use of confidential student information are protected by federal and state law, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Board directs BOCES staff to manage its student data privacy, protection and security obligations in accordance with this policy and applicable law.

Definitions

“Student education records” are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

“Student personally identifiable information” or “student PII” means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by the BOCES, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

“Security breach” means the unauthorized disclosure of student education records or student PII by a third party.

The following terms used in this policy shall be as defined by the Act: “school service,” “school service contract provider” and “school service on-demand provider.”

Access, collection and sharing within the BOCES

The BOCES shall follow applicable law and Board policy in the BOCES's access to, collection and sharing of student education records.

BOCES employees shall ensure that confidential information in student education records is disclosed within the BOCES only to officials who have a legitimate educational interest, in accordance with applicable law and Board policy.

Outsourcing and disclosure to third parties

BOCES employees shall ensure that student education records are disclosed to persons and organizations outside the BOCES only as authorized by applicable law and Board policy. The term “organizations outside the BOCES” includes school service on-demand providers and school service contract providers.

Any contract between the BOCES and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, the BOCES shall post the following on its website:

- a list of the school service contract providers that it contracts with and a copy of each contract; and
- to the extent practicable, a list of the school service on-demand providers that the BOCES uses.

Privacy and security standards

The security of student education records maintained by the BOCES is a high priority. The BOCES shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student education records.

Security breach or other unauthorized disclosure

Employees who disclose student education records in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and Board policy.

Employee concerns about a possible security breach shall be reported immediately to the Executive Director. If the Executive Director is the person alleged to be responsible for the security breach, the staff member shall report the concern to the Board President.

When the BOCES determines that a school service contract provider has committed a material breach of its contract with the BOCES, and that such material breach involves the misuse or unauthorized release of student PII, the BOCES shall follow this policy’s accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict the BOCES from terminating its contract with the school service contract provider, as

deemed appropriate by the BOCES and in accordance with the contract and the Act.

Data retention and destruction

The BOCES shall retain and destroy student education records in accordance with applicable law and Board policy.

Staff training

The BOCES shall provide periodic in-service trainings to appropriate BOCES employees to inform them of their obligations under applicable law and Board policy concerning the confidentiality of student education records.

Parent/guardian complaints

In accordance with this policy's accompanying regulation, a parent/guardian of a BOCES student may file a written complaint with the BOCES if the parent/guardian believes the BOCES has failed to comply with the Act.

Parent/guardian requests to amend student education records

Parent/guardian requests to amend his or her child's education records shall be in accordance with the BOCES's procedures governing access to and amendment of student education records under FERPA, applicable state law and Board policy.

Oversight, audits and review

The Executive Director shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The BOCES's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the Executive Director or designee.

A privacy and security audit shall be performed by the BOCES on an annual basis. Such audit shall include a review of existing user access to and the security of student education records and student PII.

The Executive Director or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The Executive Director shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

Compliance with governing law and Board policy

The BOCES shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records. The

BOCES shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

**EAST CENTRAL BOCES
BOARD POLICY**

Adopted: January 31, 2018

LEGAL REFS.: 15 U.S.C. 6501 *et seq.* (*Children's Online Privacy Protection Act*)
20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)
20 U.S.C. 1232h (*Protection of Pupil Rights Amendment*)
20 U.S.C. 1415 (*IDEIA procedural safeguards, including parent right to access student records*)
20 U.S.C. 8025 (*access to student information by military recruiters*)
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)
34 C.F.R. 300.610 *et seq.* (*IDEIA regulations concerning confidentiality of student education records*)
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)
C.R.S. 22-16-101 *et seq.* (*Student Data Transparency and Security Act*)
C.R.S. 22-16-107 (2)(a) (*policy required regarding public hearing to discuss a material breach of contract by school service contract provider*)
C.R.S. 22-16-107 (4) (*policy required regarding student information privacy and protection*)
C.R.S. 22-16-112 (2)(a) (*policy required concerning parent complaints and opportunity for hearing*)
C.R.S. 25.5-1-116 (*confidentiality of HCPF records*)

CROSS REFS.: BEDH, Public Participation at Board Meetings
EHB, Records Retention
GBEB, Staff Conduct (And Responsibilities)
GBEE*, Staff Use of the Internet and Electronic Communications
JLDAC, Screening/Testing of Students
JRA/JRC, Student Records/Release of Information on Students
JS*, Student Use of the Internet and Electronic Communications