

ATTACHMENT S
PARENTS' BILL OF RIGHTS
FOR DATA PRIVACY AND SECURITY

To satisfy their responsibilities regarding the provision of education to students in pre-kindergarten through grade twelve, "educational agencies" (as defined below) in the State of New York collect and maintain certain personally identifiable information from the education records of their students. As part of their responsibilities, educational agencies shall:

(a) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(b) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

1. What kind of student data is *not* subject to the confidentiality and security requirements of Education Law §2-d?

The confidentiality and privacy provisions of Education Law §2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses random identifiers), aggregated data (e.g., data reported at the school district level) or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of Education Law §2-d or within the scope of this Parents' Bill of Rights.

2. What are my rights under Education Law § 2-d as a parent regarding my student's PII?

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- The policies will also require security measures when providing student data to parents, to ensure that only authorized individuals receive such data. A parent may be asked for information or verifications reasonably necessary to ensure that he or she is in fact the student's parent and is authorized to receive such information pursuant to law.

(C) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including, but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.

Education Law §2-d also specifically provides certain limitations on the collection of data by educational agencies, including, but not limited to:

- (A) A mandate that, except as otherwise specifically authorized by law, NYSED shall only collect PII (a) ~~as defined in § 87(2)(b) of the Education Law~~ (b) ~~as defined in § 87(2)(b) of the Education Law~~ (c) ~~as defined in § 87(2)(b) of the Education Law~~ (d) ~~as defined in § 87(2)(b) of the Education Law~~ (e) ~~as defined in § 87(2)(b) of the Education Law~~ (f) ~~as defined in § 87(2)(b) of the Education Law~~ (g) ~~as defined in § 87(2)(b) of the Education Law~~ (h) ~~as defined in § 87(2)(b) of the Education Law~~ (i) ~~as defined in § 87(2)(b) of the Education Law~~ (j) ~~as defined in § 87(2)(b) of the Education Law~~ (k) ~~as defined in § 87(2)(b) of the Education Law~~ (l) ~~as defined in § 87(2)(b) of the Education Law~~ (m) ~~as defined in § 87(2)(b) of the Education Law~~ (n) ~~as defined in § 87(2)(b) of the Education Law~~ (o) ~~as defined in § 87(2)(b) of the Education Law~~ (p) ~~as defined in § 87(2)(b) of the Education Law~~ (q) ~~as defined in § 87(2)(b) of the Education Law~~ (r) ~~as defined in § 87(2)(b) of the Education Law~~ (s) ~~as defined in § 87(2)(b) of the Education Law~~ (t) ~~as defined in § 87(2)(b) of the Education Law~~ (u) ~~as defined in § 87(2)(b) of the Education Law~~ (v) ~~as defined in § 87(2)(b) of the Education Law~~ (w) ~~as defined in § 87(2)(b) of the Education Law~~ (x) ~~as defined in § 87(2)(b) of the Education Law~~ (y) ~~as defined in § 87(2)(b) of the Education Law~~ (z) ~~as defined in § 87(2)(b) of the Education Law~~



- When appointed, the Chief Privacy Officer of NYSED will also provide a procedure within NYSED whereby parents, students, teachers, superintendents, school board members, principals, and other persons or entities may request information pertaining to student data or teacher or principal APPR data in a timely and efficient manner.

1. Must additional elements be included in the Parents' Bill of Rights.?

Yes. For purposes of further ensuring confidentiality and security of student data, as an appendix to the Parents' Bill of Rights each contract an educational agency enters into with a third party contractor shall include the following supplemental information:

- (A) the exclusive purposes for which the student data, or teacher or principal data, will be used;
- (B) how the third party contractor will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements

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Services of a third party contractor covered under Education Law §2-d include, but not limited to, data management t h i r l - 2

ATTACHMENT

Model Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of the right to file a complaint with the Department of Education, Office for Civil Rights, 400

interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education 400 Maryland Avenue,
SW Washington, DC 20202

[NOTE: In addition, a school may want to include its directory information public notice, as required

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such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under

ATTACHMENT S-1
Attachment To Parents' Bill Of Rights
For Contracts Involving Disclosure of Certain Personally Identifiable
Information

Education Law §2-d, added by Ch. 56 of the Laws of 2014, requires that a Parents' Bill of Rights be attached to every contract with a third-party contractor (as defined in the law) which involves the disclosure of personally identifiable information (PII) derived from student education records ("Student Data"), or certain teacher/principal information regarding annual professional performance evaluations that is confidential pursuant to Education Law §30212-c ("APPR Data"). Each such Contract must include this completed Attachment to provide specific information about the use of such data by the Contractor.

1. Specify whether this Contract involves disclosure to the Contractor of Student Data, APPR Data, or both. NYSED program office checks applicable box(es).

Disclosure of Student Data

Disclosure of APPR Data

2. Describe the exclusive purposes for which the Student Data or APPR Data will be used in the performance of this contract.

Grantee will use data to monitor ROS ALE funded program deliverables and offer technical assistance.

3. Identify any subcontractors or other persons/entities with whom the Contractor will share the Student Data or APPR in the performance of this Contract and describe how the Contractor will ensure that such persons/entities will

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4. Specify the expiration date of the Contract and explain what will happen to the Student Data or APPR Data in the Contractor's possession, or the possession of any person/entity described in response to Paragraph 3 upon the expiration or earlier termination of the Contract.

Contract Expiration Date: June 30, 2025

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Contractor agrees to return the Student Data or APPR Data to NYSED consistent with the protocols set forth in Paragraph 4 of the "Data Security and Privacy Plan" set forth in Appendix R.

Contractor agrees to securely destroy the Student Data or APPR Data consistent with the protocols set forth in Paragraph 4 of the "Data Security and Privacy Plan" set forth in Appendix R.

5. State whether the Contractor will be collecting any data from or pertaining to students derived from the student's education record, or pertaining to teachers or principals' annual professional performance evaluation pursuant to the Contract, and explain if and how a parent, student, eligible student (a student eighteen years or older), teacher or principal may challenge the accuracy of the Student Data or APPR data that is collected.
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Student Data
 APPR Data

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6. Describe where the Student Data or APPR Data will be stored (in a manner that does not jeopardize data security), and that fact notwithstanding, P i ' r