

PRIVACY AND PROTECTION OF CONFIDENTIAL STUDENT INFORMATION

The Colorado Springs School District 11 Board of Education (the Board) is committed to protecting the confidentiality of student information obtained, created and/or maintained by Colorado Springs School District 11 (the District). Student privacy and the District's use of confidential student information is 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 District staff to manage its student data privacy, protection, and security obligations in accordance with this policy and applicable law.

A. DEFINITIONS

“Student education records” means those records, files, documents and other materials in all formats and media that contain information related to the student and are maintained by the District or by a person acting for the District. Education records include discipline information, which is subject to the specific additional requirements specified herein. 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/guardian or family, and that is collected, maintained, generated, or inferred by the District, either directly or through a school service, or by a school service contract provider or school service on-demand provider. PII includes:

- Names of student, student's parents/guardians, or other family members;
- Student's telephone number and address or the address of the student's family (address includes email address);
- A personal identification such as the student's social security number or student registration number;
- Personal characteristics or other information, which would make the student's identity easily traceable, or which would make it possible to identify the student with reasonable certainty;
- Records or information received from a source outside of the District where the recipient of such information knows or should know that the same information is maintained by the District as part of the education record of a student.

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

“School service” does not include an internet website, online service, online application, or mobile application that is designed and marketed for use by individuals or entities, even if it is also

marketed to a United States preschool, elementary school, or secondary school.

“School service contract provider” or “contract provider” means an entity, other than a public education entity or an institution of higher education, that enters into a formal, negotiated contract with a public education entity to provide a school service.

“School service on-demand provide” or “on-demand provider” means an entity, other than a public education entity, that provides a school service on occasion to a public education entity, subject to agreement by the public education entity, or an employee of the public education entity, to standard, non-negotiable terms and conditions of service established by the providing entity.

B. ACCESS, COLLECTION, AND SHARING WITHIN THE DISTRICT

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

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

C. OUTSOURCING AND DISCLOSURE TO THIRD PARTIES

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

Any contract between the District 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 District 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 District uses.

D. PRIVACY AND SECURITY STANDARDS

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

E. SECURITY BREACH OR OTHER UNAUTHORIZED DISCLOSURE

Employees who disclose student education records or student PII inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment.

Employee concerns about a security breach shall be reported immediately to the District's Information Technology division. If the CIO is the person alleged to be responsible for the security breach, the staff member shall report the concern to the Superintendent or designee.

When the District determines that a school service contract provider has committed a material breach of its contract with the District, and that such material breach involves the misuse or unauthorized release of student records or student PII, the District 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 District from terminating its contract with the school service contract provider, as deemed appropriate by the District and in accordance with the contract and the Act.

F. DATA RETENTION AND DESTRUCTION

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

G. STAFF TRAINING

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

H. REQUEST TO AMEND RECORDS

In accordance with this policy's accompanying regulation, a parent/guardian of a District student or an eligible student may request an amendment to a student record and/or student PII.

I. PARENT/GUARDIAN COMPLAINTS

In accordance with this policy's accompanying regulation, a parent/guardian of a District student or an eligible student may file a written complaint with the District if the parent/guardian or eligible student believes the District has failed to comply with applicable laws related to student records and student PII.

J. OVERSIGHT, AUDITS, AND REVIEW

The superintendent or his/her designee shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The District's practices regarding student data privacy and the implementation of this policy shall be periodically audited by District administration. Such audit shall include a review of existing user access to and the security of student education records and student PII.

K. COMPLIANCE WITH GOVERNING LAW AND BOARD POLICY

The District shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records and student PII. The District shall be entitled to take all actions and exercise all options authorized under the law.

Adopted: September 2023

- LEGAL REFS.:
- 10 U.S.C. §503
 - 15 U.S.C. 6501 *et seq.*
 - 20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)
 - 20 U.S.C. 1232h
 - 20 U.S.C. 1415
 - 20 U.S.C. 7908
 - 20 U.S.C. 8025
 - 34 C.F.R. 99.1 *et seq.* (regulations)
 - 34 C.F.R. 300.610 *et seq.*
 - C.R.S. 19-1-303 and 304
 - C.R.S. 22-1-123
 - C.R.S. 22-16-101 *et seq.*
 - C.R.S. 22-16-107 (2)(a)
 - C.R.S. 22-16-107 (4)
 - C.R.S. 22-16-112 (2)(a)
 - C.R.S. 22-1-123
 - C.R.S. 22-32-109.3
 - C.R.S. 24-72-204 *et seq.*
 - C.R.S. 24-80-101 *et seq.*
 - C.R.S. 25.5-1-116
- CROSS REF.:
- EHB, Records Management
 - GBEE, Technology Resources and Internet Safety Responsible Use Staff
 - GBGB, Staff Personal Security and Safety
 - IMBB, Exemptions from Required Instruction
 - JLDAC, Screening/Testing of Students (and Treatment of Mental Disorders)
 - JRA/JRC, Student Records/Release of Information on Students
 - JRA/JRC-R, Student Records/Release of Information on Students (Request to Review/Amend Education Records)
 - JRA/JRC-E-1, Annual Notification of Parents/Guardians Rights
 - JRCB-R, Privacy and Protection of Confidential Student Information (Hearing and Complaint Procedures)
 - KDB, Public's Right to Know/Freedom of Information
 - Colorado Springs School District 11 Employee Manual, section (B)(18)