

Prepare | Explore | Empower

## STUDENT DATA TRANSPARENCY AND SECURITY POLICY

**Mission Statement:** The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character and relationships.

The Academy is committed to protecting the confidentiality of student information obtained, created, and/or maintained by the school. Student privacy and the school's use of confidential student information are protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Academy will 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 PW" 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 Academy, 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 provided" and "school service on-demand provider."

The Journey Starts Here...

## **Directory Information**

The term "directory information" is used for the portion of the education record that, if disclosed, would not generally be considered harmful or an invasion of privacy (34 CFR § 99.3). This may include the student's name, grade, participation in sports or activities, date and place of birth, honors and awards, and dates of attendance.

Schools that disclose directory information must give "public notice" of this policy and explain what is included in such information. The notice must also indicate that parents may refuse to allow the school to designate any, or all, of their child's record as directory information.

## **Access, Collection and Sharing Within The Academy**

The Academy shall follow applicable law in the access to, collection of, and sharing of student education records.

The Academy staff members shall ensure that confidential information in student education records is disclosed within the school only to officials who have a legitimate educational interest, in accordance with applicable law.

Appropriate Academy staff members shall be required to sign and comply with the school's agreement (The Academy Privacy and Protection of Confidential Student Information Acknowledgement Form — to be developed) concerning the protection of confidential student information, which describes the appropriate uses and safeguarding of student education records.

## **Contract Providers, On-Demand Providers, or Other Third Parties**

Academy staff members shall ensure that student education records are disclosed to persons and organizations outside the school only as authorized by applicable law and Academy policy. The term "organizations outside the school" includes school service on-demand providers and school service contract providers. Acquisition and use of any third-party apps and services that use student data in any capacity must be pre-approved by the Academy. Staff must follow the procedure to secure approval before using the contract provider or on demand provider. The Academy will identify specific programs or apps that are approved for school and teacher use and make that list available on the Academy Website.

Any contract between The Academy 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.

The Journey Starts Here...

In accordance with the Act, The Academy 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;
- clear explanation of the student PII Colorado Department of Education (CDE) collects
- to the extent practicable, a list of the school service on-demand providers that the network uses
- Privacy and security standards
- CDE data inventory index
- The security of student education records maintained by the school is a high priority.
- Security breach or other unauthorized disclosure

Staff members who disclose student education records in a manner inconsistent with applicable law and Academy 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 Academy policy.

Employee concerns about a possible security breach shall be reported immediately to the Chief Finance and Operations Officer (COO). If the COO is the person alleged to be responsible for the security breach, the staff member shall report the concern directly to the Chief Executive Officer (CEO).

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

### **Data Retention and Destruction**

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

### **Staff Training**

The Academy shall provide periodic in-service trainings to appropriate staff members to inform them of their obligations under applicable law and school policy concerning the confidentiality of student education records.

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## **Parent/Guardian Complaints**

In accordance with this policy's accompanying regulation, a parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school 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 Academy's procedures governing access to and amendment of student education records under FERPA, applicable state law and Academy policy.

## **Oversight and Review**

The CEO or designee shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The CEO 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 CEO or designee shall recommend revisions of this policy and/or accompanying regulation as deemed appropriate or necessary to The Academy Board of Directors. The Academy Board will annually review and approve this policy at the regularly scheduled August Board meeting.

## **Compliance with Governing Law and Governing Board Policy**

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

## **Photographs and Media Release**

Students may occasionally appear in photographs and videos taken by Academy staff members, other students, or other individuals authorized by the CEO or other Academy staff members. The Academy may use these pictures, without identifying the student, in various publications, including but not limited to, the school yearbook, social media, school newspaper,

The Journey Starts Here...

and school website. No consent or notice is needed or will be given before The Academy uses pictures of unnamed students taken while they are at school or a school-related activity.

Many times, however, The Academy will want to identify a student in a school picture. Academy staff may want to acknowledge those students who participate in a school activity or deserve special recognition. In order for The Academy to publish a picture with a student identified by name in any school-sponsored material, including yearbook, one of the student's parents or guardians must sign a consent form. Granting consent allows The Academy to publish and otherwise use photographs and videos, with the child identified, while he or she is enrolled at The Academy. This consent is valid for one year and may be revoked at any time by notifying the student's Level Principal or the Academy CEO.

FERPA is not the only statute that limits what providers can do with student information. The Protection of Pupil Rights Amendment (PPRA) provides parents with certain rights with regard to some marketing activities in schools. Specifically, PPRA requires that a school district must, with exceptions, directly notify parents of students who are scheduled to participate in activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes, or to sell or otherwise provide that information to others for marketing purposes, and to give parents the opportunity to opt-out of these activities. While FERPA protects PII from education records maintained by a school or district, PPRA is invoked when personal information is collected from the student.

## Hearing and Complaint Procedures

### **Contract Breach by School Service Contract Provider**

Within a reasonable amount of time after The Academy determines that a service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student personally identifiable information (PI'), the CEO or designee shall make a decision regarding whether to terminate the school's contract with the service contract provider in accordance with the following procedure.

The school shall notify the service contract provider of the basis for its determination that the service contract provider has committed a material breach of the contract and that the CEO is investigating the material breach.

The Journey Starts Here...

The service contract provider may submit a written response to the CEO regarding the material breach.

The CEO will review the nature of the material breach and any response submitted by the service contract provider.

The CEO shall decide whether to terminate the contract with the service contract provider within 30 days of the start of the investigation and shall notify the service contract provider of its decision. The CEO's decision shall be final.

### **Parent/Guardian Complaints**

In accordance with this policy, the parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school has failed to comply with the Student Data Transparency and Security Act (the Act).

The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the school has violated and its impact on his or her child. The COO will review the complaint and present all applicable information to the CEO. The CEO or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.

Within 10 calendar days of receipt of the school's response, the parent/guardian may appeal to The Academy Governing Board. Such appeal must be in writing and submitted to the CEO or designee.

The Academy Governing Board shall review the parent's complaint and the CEO's response at a regular or special meeting. A school representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.

The Board shall make a determination regarding the parent/guardian's complaint that the school failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the school shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Academy policy.

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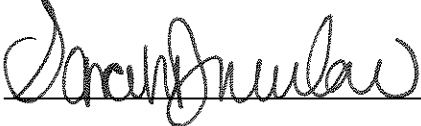
## Governing Board Policy

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of an Academy Board Policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in this regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

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### POLICY HISTORY

This policy supersedes any previously existing policy of The Academy of Charter Schools pertaining to the content herein.

Board Chair Signature:  \_\_\_\_\_

Date of Adoption: August 31, 2020

Board Review: November 27, 2023

### 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. 22-1-123 (district shall comply with FERPA and federal law on protection of pupil rights)
- 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. 24-72-204 (3)(a)(VI) (schools cannot disclose student address and phone number without consent)

The Journey Starts Here...

C.R.S. 24-72-204 (3)(d) (information to military recruiters)

C.R.S. 24-72-204 (certain FERPA provisions enacted into Colorado Law)

C.R.S. 24-72-204 (3)(e)(II) (disclosure by staff of information gained through personal knowledge or observation)

C.R.S. 24-80-101 et seq. (State Archives and Public Records Act)

C.R.S. 25.5-1-116 (confidentiality of HCPF records)

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