

OPERATIONAL SERVICES

Contracts with Third Parties Affecting Student Records

The Board may enter into a contract with a third-party provider of digital educational software or services:

- For the digital storage, management, and retrieval of student records (including through cloud-based services); or
- Authorizes a third-party digital software provider to access, store, and use student records in accordance with the provisions of any such resulting contract.

“Student records” include the student record maintained by the District in accordance with the Family Educational Rights and Privacy Act (“FERPA”) and board policy and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other District employee.

District personnel may utilize digital educational software or services in accordance with this policy. Personnel are not authorized to use third party digital educational software or services for which the District has not entered into a contract pursuant to this policy.

All contracts entered into by the Board under this policy shall provide for the following at a minimum:

1. All student records are and continue to be the property and under the control of the District;
2. A description of the means by which students may retain possession and control of their own student-generated content if applicable, including the options through which a student may transfer his or her own generated content to a personal account;
3. The third party is prohibited from using any information from a student record for any purpose other than what is specifically authorized by the contract;
4. A description of the procedures through which a parent/guardian or adult student may review personally identifiable information in the student’s record and correct erroneous information;
5. A description of the actions the third party shall take to ensure the security and confidentiality of student records, including the designation and training of responsible individuals;
6. A description of the procedures for notifying the parent/guardian or adult student in the event of an unauthorized disclosure of the student’s records;
7. Certification and a description of how certification will be verified that the third party shall not retain or access the student records upon completion of the terms of the contract;
8. A description of how the District and third party will jointly ensure compliance with FERPA; and
9. The third party is prohibited against using personally identifiable information in student records to engage in targeted advertising.

The District may impose other restrictions, conditions or provisions in any contract subject to this policy. Nothing herein shall, by itself, absolve a third party of liability in the event of an unauthorized disclosure of student records.

Any contract failing to comply with these requirements and remains noncompliant after notice and an opportunity to cure defects shall be void.

Legal References:	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
	House Bill 745	Montana Pupil Online Personal Information Protection Act

Cross References:	Board Policy 3080
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Policy History:

Adopted on:	12.11.2019
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Revised on:	
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Reviewed on:	
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