

DCS Montessori (DCSM) Privacy and Protection of Confidential Student Information Policy

Policy:

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

The scope of this policy is limited to a "school service", as such term is defined in the Colorado Student Data Transparency and Security Act (Act) and this policy.

I. Definitions

- (a) "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).
- (b) "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 district, either directly or through a school service, or by a school service contract provider or school service on-demand provider.
- (c) "Security breach" means the unauthorized disclosure of student education records or student PII by a third party.
- (d) 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."

II. Access, Collection, and Sharing Within DCSM.

DCSM shall follow applicable law and DCSD policy in DCSM's access to, collection of, and sharing of student education records.

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

III. Outsourcing and Disclosure to Third Parties

DCSM employees shall ensure that student education records 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 DCSM 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, DCSM shall post the following on its website:

- 1) 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.
- 2) A notice to services providers that, if DCSM ceases using or refuses to use a school service provider because the provider does not substantially comply with its own privacy policy or does not meet the requirements specified in sections Colo. Rev. Stats. §§ 22-16-109(2) and 22-16-110(1), then DCSM will post on its website the name of the provider, with any written response that the provider may submit. DCSM will also notify the Colorado Department of Education.

DCSM supports certain research studies of benefit to DCSM and/or education in general. Research proposals are vetted by DCSM under established criteria, taking into consideration this policy and applicable law.

IV. Privacy and security standards

DCSM shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student education records.

V. Security breach or other unauthorized disclosure

Employees who disclose student education records in a manner inconsistent with applicable law and School 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 Head of School or his/her designee. If the Head of School is the person alleged to be responsible for the security breach, the staff member shall report the concern to the President of the School Board.

When DCSM determines that a school service contract provider has committed a material breach of its contract with DCSM, and that such material breach involves the misuse or unauthorized release of 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.

VI. Data Retention and Destruction

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

VII. Staff Training

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

VIII. Parent/Guardian Complaints

In accordance with this policy's accompanying regulation, a parent/guardian of a DCSM student may file a written complaint with the Head of School if the parent/guardian believes DCSM has failed to comply with the Act. Find the grievance/complaint process on pg. 13 of DCSM Parent Handbook.

IX. Oversight, Audits and Review

DCSM Staff shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

DCSM's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the Head of School or designee.

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

The Head of School or his/her 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 Head of School shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

X. Compliance with Governing Law and Board Policy

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.

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