

## **PRIVACY AND PROTECTION OF CONFIDENTIAL STUDENT INFORMATION**

The Board is committed to protecting the confidentiality of student information obtained, created and/or maintained by Centennial BOCES. Student privacy and Centennial BOCES's use of confidential student information are 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 Centennial BOCES staff to 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 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 Centennial BOCES, 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 provider" and "school service on-demand provider."

### **Access, collection and sharing within Centennial BOCES**

Centennial BOCES shall follow applicable law and Board policy in Centennial BOCES's access to, collection and sharing of student education records.

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

### **Outsourcing and disclosure to third parties**

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

Any contract between Centennial BOCES 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, Centennial BOCES 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 Centennial BOCES uses.

### **Privacy and security standards**

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

### **Security breach or other unauthorized disclosure**

Employees who disclose student education records in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination of 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 assistant executive director. If the assistant executive director is the person alleged to be responsible for the security breach, the staff member shall report the concern to the executive director.

When Centennial BOCES determines that a school service contract provider has committed a material breach of its contract with Centennial BOCES, and that such material breach involves the misuse or unauthorized release of student PII, Centennial BOCES shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict Centennial BOCES from terminating its contract with the school service

contract provider, as deemed appropriate by Centennial BOCES and in accordance with the contract and the Act.

### **Data retention and destruction**

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

### **Staff training**

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

### **Parent/guardian complaints**

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

### **Oversight, audits and reviews**

The executive director shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

Centennial BOCES's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the executive director or designee.

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

The executive director 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 executive director or designee shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

### **Compliance with governing law and Board policy**

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

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. 22-16-101 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. 25.5-1-116 confidentiality of HCPF records

CROSS REFS.: BEDH, Public Participation at Board Meetings

EHB, Records Retention

GBEB, Staff Conduct (And Responsibilities)

GBEE, Staff Use of the Internet and Electronic Communications

JLDAC, Screening/Testing of Students

JRA/JRC, Student Records/Release of Information on Students

JS, Student Use of the Internet and Electronic Communications

Adopted: September 20, 2018  
Centennial BOCES