



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY

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Deans and Directors of Institutions of Higher Education Offering Educator  
Preparation Programs



## Recommended Best Practice for § 2 -d Compliance

A more appropriate practice is for the educator preparation program and/or educational agency to provide candidates with appropriate training about student data privacy and security prior to and/or at the beginning of their clinical experience at the educational agency.<sup>1</sup> For example, candidates could sign a confidentiality agreement with the educational agency or the educator preparation program before beginning their clinical experience. In this agreement, candidates could acknowledge that they have taken or will take data privacy and security training and that they understand the educational agency's policies regarding confidentiality. An example candidate confidentiality and non-disclosure agreement, example privacy and security training presentation, and other resources are available on the [Office of College and University Evaluation website](#). The example agreement is also attached to this memorandum.

As an additional safeguard, the educational agency and the educator preparation program could enter into a memorandum of understanding or similar collaborative agreement that addresses, among other issues, the protection of student PII, FERPA compliance, and the educational agency's data privacy and security policies.<sup>2</sup>

The clinical experience is an invaluable aspect of candidate training that takes place at an educational agency. It is not, however, a service to the educational agency that requires an Education Law § 2 -d agreement. Rather, both the educational preparation program and educational agency should ensure candidates receive appropriate training and obtain a practical understanding of the importance of data privacy and security in schools.

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<sup>1</sup> Educational agencies are required to provide annual data privacy and security awareness training to their officers and employees with access to PII [8 NYCRR § 121.7].

<sup>2</sup> For registered teacher preparation programs with candidates who first enroll for the Fall 2023 semester and thereafter, institutions are required to “establish, maintain and review memorandum of understanding or similar collaborative agreements with all educational settings, community-based organizations, and/or other appropriate entities in which teacher candidates are involved in clinical experience. . .” [8 NYCRR § 5 2.21 (b)(2) (i) (f) (ii)].