

ATTACHMENT S
PARENTS BILL OF RIGHTS
FOR DATA PRIVACY AND SECURITY

To satisfy their responsibilities regarding provision of education to students pre-kindergarten through grade five, educational agencies (as defined below) in the State of New York collect and maintain certain personally identifiable information from the education records of their students. As part of the Common Core Implementation Reform Act, Education Law § 2-d requires that each educational agency in the State of New York must develop a Parents Bill of Rights for Data Privacy and Security (Parents Bill of Rights). The Parents Bill

student's privacy rights under FERPA. All student records are maintained by schools and school districts and not at NYSED, which is the secondary repository. NYSED make amendments to school or school district records. Schools and school districts are in the best position to make corrections to students' education records.

1. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent (including limited to disclosure under specified conditions to: (i) school officials at school or school district with legitimate educational interests; (ii) officials of another school for purposes of enrollment or transfer; (iii) third party contractors providing services, or performing functions for an educational agency; (iv) authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities such as NYSED; (v) organizations conducting studies or research on behalf of the U.S. Secretary of Education, the U.S. Attorney General, the U.S. Comptroller General, or State and local educational authorities.

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B. What are parents' rights under the Personal Privacy Protection Law (PPPL), Article 6 A of the Public Officers Law relating to records held by State agencies?

A more detailed description of the PPPL is available from the Committee on Open Government of the New York Department of State. Guidance on what you should know about PPPL can be accessed at <http://www.dos.ny.gov/coog/shldn.htm>. The Committee on Open Government's address is Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave, 03033, (609) 358-1234. (NY 16-03) (Ave of C (cepe)-12(w)-6(m) 4(1)

- (a) Other information that, alone or in combination, is or linkable to a specific student that would allow a reasonable person in the school community, does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or
- (b) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student whose education record relates.

1. What kind of student data is subject to the confidentiality and security requirements of Education Law § 2-d?

The confidentiality and privacy provisions of Education Law § 2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses identifiers), aggregated data (data reported at the school district level), or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of Education Law § 2-d or within the scope of this Parents' Bill of Rights.

2. What are my rights under Education Law § 2-d as a parent regarding my student's PII?

Education Law § 2-d ensures that, in addition to all of the following, a parent has the right to request and receive, in a timely manner, a copy of the student's education records that contain personally identifiable information (PII) regarding the student.

- o The policies will also require security measures when providing student data to parents, to ensure that only authorized individuals receive such data. A parent may be asked for information or verifications reasonably necessary to ensure that he or she is in fact the student's parent.



o When appointed, the Chief Privacy Officer of NYSED will also provide a procedure within NYSED whereby parents, teachers, superintendents, school board members, principals, and other persons or entities may request information pertaining to student or teacher principal APPR data in a timely and efficient manner.

1. Must additional elements be included in the Parents Bill of Rights?

Yes. For purposes of further ensuring confidentiality and security of student data, as an appendix to the Parents Bill of Rights each contracted educational agency enters into with third party contractors shall include the following supplemental information:

- (A) the exclusive purposes for which the student data, teacher or principal data will be used;
- (B) how the third party contractor will treat the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;
- (C) when the agreement with the third party contractor expires and what happens to the student data or teacher or principal data upon expiration of the agreement;
- (D) if and how a parent, student, teacher or principal may challenge the accuracy of the student data, teacher or principal data that is collected; and
- (E) where the student or teacher or principal data will be stored (described in such a manner as to protect data security), the security protections taken to ensure such data will be protected, including where student data will be encrypted.
 - a. In addition, the Chief Privacy Officer, with input from parents and other education and expert stakeholders, is required to develop additional elements of

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Model Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school (School)] receives a request for access.

Parents or eligible students should submit a school principal for appropriate school official a written request that identifies the records they wish to inspect. The school official will 3.46 0 Td (a 4-2 (h

interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment transfer of records. [NOTE: FERPA requires school districts to make reasonable attempts to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education 400 Maryland Avenue,
SW Washington, D20202

[NOTE: In addition, a school may want to include directory information publicly, as required by FERPA. For more information, see the Department of Education's FERPA page on <</MCIDan <</MC

such as the State educational agency or eligible student's State (SEA) disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal or State-supported education programs, or for enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, the information -2fh8 to Td 0 Td 5 Td ,(ppe)-6 (v)-4 (ed)-4 (,)
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For Contracts Involving Disclosure of Certain Personally Identifiable Information

Education Law §2-d, added by Ch. 56 of the Laws of 2014, requires that a Parents' Bill of Rights be attached to every contract with a third-party contractor (as defined in the law) which

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