



Book	East Islip School District School Board Policies
Section	Policy Nos. 8000-8910
Title	Privacy and Security for Student, Teacher and Principal Data
Code	8625
Status	Active
Adopted	September 14, 2017
Last Revised	November 12, 2020
Prior Revised Dates	7/9/2020

The Board of Education recognizes its responsibility to enact policies that provide privacy and security for student, teacher, and principal data, in acinformation, the disclosure o942e-xnon
r to a person not authorized to acquire, access, use, or receive the student data and/or
data.

- b. "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-d.
- c. "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-d.
- d. "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e. "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses,

- g. "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34CFR Part 99, respectively.
- h. "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i. "Eligible student" means a student who is eighteen years or older.
- j. "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k. "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

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Critical Infrastructure (Version 1.1) (Framework) as the standard for its data privacy and security program. <The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: <the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. <The Framework provides a common taxonomy and mechanism for organizations to:

- a. Describe their current cybersecurity posture;
- b. Describe their target state for cybersecurity;
- c. Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d. Assess progress toward the target state; and
- e. Communicate among internal and external stakeholders about cybersecurity risk.

The School District will protect the privacy of PII by:

- a. Ensuring that every use and disclosure of PII by the District benefits students and the School District by considering, among other criteria, whether the use and/or disclosure will:
 1. Improve academic achievement;
 2. Empower parents and students with information; and/or
 3. Advance efficient and effective school operations.
- b. Not including PII in public reports or other public documents.

The School District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

Data Protection Officer

The School District has designated a School District employee to serve as the School District's Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the School District.

The School District will provide training to the Data Protection Officer to administer these functions. <The Data Protection Officer may perform these functions in addition to other job responsibilities.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the School District will take steps to minimize its collection, processing, and transmission of PII. <Additionally, the School District will:

- a. Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b. Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law and School District policy.

Except as required by law or in the case of educational enrollment data, the School District will not report to

NYSED the following student data elements:

- a. Juvenile delinquency records;
- b. Criminal records;
- c. Medical and health records; and
- d. Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the School District.

- d. if and how a parent, student, or eligible student may challenge the accuracy of the student data that is collected; and
- e. where the student data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.

8. Parents may access the State Education Department's Parents' Bill of Rights at <http://www.nysed.gov>_____

6. < legally recognized privileged or analogous relation ships, such as those of lawyers, physicians and ministers;
7. < religious practices, affiliations or beliefs of the student or the student's parent/guardian; or
8. < income (other than that required by law to determ ine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the School District plans to survey students to gather information included in the list above, the School District will obtain written consent from the parent/guardian in ad vance of administering the survey. The notification/consent form will also ap prise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board of Education not to colle ct, disclose, or use personal information gathered from students for the purpose of marketing or selling that in formation or providing it to others for that purpose. "Personal Information" is defined as: "individually identi fiable information concerning the student, including a student's or parent's first and last name, home address, telephone numbers and/or social security number." This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluati ng, or providing educational products or services for, or to students or educational institutions such as:

1. < < College or other postsecondary education recruitment, or military recruitment;
2. < < Book clubs, magazines and programs providing access to low-cost literary products;
3. < < Curriculum and instructional materials used in schools;
4. < < Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequen analysis and public release of the aggregate data from such tests and assessments;
5. < < Student recognition programs; and
6. < < The sale by students of products or servicesto raise funds for school-related activities.

In the event that such data is collected by the School District, disclosure or use of student personal information will be protected by the School District pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA).

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon re quest, any instructional material, used as part of the educational curriculum for students. "Instructional material " is defined as: "instructional content that is provided to a student, regardless of format including printed or

examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening.

Notification of Rights

Parents/guardians and eligible students shall be notified of this policy at least annually, at the beginning of the school year and when enrolling students for the first time in the School District's schools. In the annual notification, the School District shall notify the parents/guardians and eligible students of the specific or approximate dates during the school year when the activities involving collection, disclosure or use of personal information collected from students for the purpose of marketing or selling the information, administration of