

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

The Board of Education (Board) may, pursuant to this policy, enter into a contract with a third party for either or both of the following purposes:

1. To provide services, including Cloud-based services, for the digital storage, management, and retrieval of student records.
2. To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records in accordance with the contractual provisions listed below.

The Board when entering into a contract with a contractor for purposes listed above, shall ensure the contract includes the Connecticut State-approved data privacy agreement.

The Board of Education uses the uniform student data privacy terms-of-service agreement addendum, developed by the Commission for Educational Technology (CET), in contracts entered into pursuant to C.G.S. 10-234bb. Such amendment shall conform to the requirements for a contract listed above.

Failure of a vendor with an existing contract to abide by this policy is grounds to void the contract.

Any contract entered into that does not include the provisions listed above shall be void, provided the Board has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract or the terms-of-service agreement addendum to include the required provisions.

The Board of Education shall maintain and update, as necessary, a website with information relating to all contracts entered into pursuant to this policy. Not later than five business days after executing a contract pursuant to this policy the Board shall post notice of such contract on the Board's website. The notice shall include a link to the contract.

The Board, through this policy, places restrictions on an "operator" as defined in this policy. An operator shall not knowingly engage in any of the following activities with respect to their internet website, online service or mobile application:

1. Engage in targeted advertising on the operator's site, service, or application, or on any other Internet website, online service or mobile application;
2. Use student information to create a profile of a student for purposes other than the furtherance of school purposes;

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

3. Sell student information, unless the sale is part of the purchase, merger, or acquisition of an operator by a successor operator and the operator and the successor operator continue to be subject to the provisions of this policy regarding student information; or
4. Disclose student information, unless the disclosure is made (a) in furtherance of school purposes of the Internet website, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet website, online service or mobile application and complies with this policy; (b) to ensure compliance with federal or state law; (c) in response to a judicial order; (d) to protect the safety of users or others, or the security of the Internet website, online service or mobile application; or (e) to an entity hired by the operator to provide services for the operator's Internet website, online service or mobile application, provided the operator contractually (i) prohibits the entity from using student information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information provided by the operator to subsequent third parties, and (iii) requires the entity to comply with this policy.

(cf. 3520.1 – Information Security Breach and Notification)

(cf. 3520.11 – Electronic Information Security)

(cf. 3520.12 – Data-Based Information Management System Confidentiality Policy)

(cf. 5125 – Student Records)

(cf. 5145.15 – Directory Information)

(cf. 6162.51 – Surveys of Students/Student Privacy)

Legal Reference: Connecticut General Statutes

1-19(b)(11) Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parent or guardians to student's records.

10-209 Records not to be public.

10-234aa Definitions

10-234bb Contracts between boards of education and contractors re student data. Requirements. (as amended by PA 18-125)

10-234cc Requirements for operators re student data

10-234dd Duties re unauthorized release, disclosure or acquisition of student data (as amended by PA 18-125)

Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

Legal Reference: Connecticut General Statutes (continued)
11-8a Retention, destruction and transfer of documents
11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
46b-56(e) Access to Records of Minors.
Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).
P.A. 16-189 An Act Concerning Student Privacy
PA 17-200 An Act Making Revisions to the Student Data Privacy Act of 2016
PA 18-125 An Act Concerning Revisions to the Student Data Privacy Act
Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g).
Dept. of Educ, 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.
Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232g (2014)
Children's Online Privacy Protection Act (COPPA) 15 U.S.C. §§6501 *et seq.* (2014)

Policy adopted: February 25, 2020

MONTVILLE PUBLIC SCHOOLS
Montville, Connecticut