



Idaho Digital Learning Alliance Student Data Privacy Policy

DEFINITIONS

For purposes of this policy, the following definitions apply:

"Aggregate data" means data collected and/or reported at the group, cohort, or institutional level. Aggregate data does not include personally identifiable information (PII).

"Data system" means the state's elementary, secondary and postsecondary longitudinal data systems.

"District" and "School" shall mean Idaho Digital Learning Alliance.

"Personally identifiable data," "personally identifiable student data" or "personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student education unique identification number or biometric record;
5. Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; and
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

"Student data" means data collected and/or reported at the individual student level included in a student's educational record. Student data includes:

1. State and national assessment results, including information on untested public school students;
2. Course taking and completion, credits earned and other transcript information;
3. Course grades and grade point average;
4. Date of birth, grade level and expected graduation date/graduation cohort;
5. Degree, diploma, credential attainment and other school exit information such as general educational development and dropout data;

6. Attendance and mobility;
7. Data required to calculate the federal four (4) year adjusted secondary cohort graduation rate, including sufficient exit information;
8. Discipline reports limited to objective information sufficient to produce the federal annual incident reports, children with disabilities disciplinary reports and discipline reports including students involved with firearms;
9. Remediation;
10. Special education data;
11. Demographic data and program participation information; and
12. Files, documents, images or data that are stored in or transmitted through a cloud computing service.

"Student educational record" means all information directly related to a student and recorded and kept in the data system, as that term is defined in this policy. A student educational record may include information considered to be personally identifiable. A student's educational record, as defined under this policy, shall not include:

1. Juvenile delinquency records and criminal records unless required;
2. Medical and health records;
3. Student social security number;
4. Student biometric information;
5. Gun ownership records;
6. Sexual orientation; and
7. Religious affiliation.

"Student education unique identification number" means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

ACCESS TO STUDENT DATA

Access to student data in the student data system shall be restricted to:

1. The district and its private vendors who require access to perform their assigned duties;
2. Authorized staff of the Idaho State Board of Education (SBE) and the Idaho State Department of Education (SDE) and their vendors who require such access to perform their assigned duties;
3. Public postsecondary staff who require such access to perform their assigned duties;
4. Students and their parents or legal guardians; and
5. The authorized staff of other state agencies in Idaho as required by law and/or defined by interagency data-sharing agreements.

Upon request, the district will provide parents/guardians with copies of their child's educational records if the child has not attained the age of eighteen (18) years, unless otherwise prohibited by law or court order.

Unless otherwise approved by the SBE, student data maintained shall remain confidential and any approval of the SBE to release personally identifiable student data shall be subject to legislative approval prior to the release of such information.

Student data released in response to public reports and records, research, and data requests must include aggregate data only.

The district shall include a provision in all contracts that govern databases, online services, assessments, special education or instructional supports with private vendors that private vendors are permitted to use aggregated data or an individual student's data only in those instances where the vendor receives written permission from the student's parent or legal guardian. The contract shall also include either of the following provisions:

1. A prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or
2. A requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

TRANSFER OF STUDENT DATA

Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this policy shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

1. A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;
2. A student leaves the state to attend an out-of-state institution of higher education or training program;
3. A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;
4. The SBE or the SDE may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;
5. Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or
6. A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students' educational records.

NOTICE

A current copy of this policy shall be posted to the district's website as well as distributed to each student upon enrollment and at the beginning of each school year in the student handbook.

LEGAL REFERENCE

Idaho Code Section 33-133 – Definitions – Student Data – Use and Limitations – Penalties

NOTE: The "Student Data Accessibility, Transparency and Accountability Act of 2014" was passed by the Idaho Legislature with an emergency clause, and became law on March 26, 2014, when it was signed by the governor. Pursuant to this new legislation, the SBE is required to develop a model policy, which must be adopted by Idaho school districts and public charter schools governing data collection, access, security and use of such data, and which must be posted on the school district's website. In the event any inappropriate release of data occurs, and a district has failed to adopt, implement and post the model policy, a civil penalty may be imposed per violation in the amount not to exceed \$50,000. When the SBE issues its model policy for Idaho school district, certain portions of this policy may be redundant.

The district shall include a provision in all contracts that govern databases, online services, assessments, special education or instructional supports with private vendors that private vendors are permitted to use aggregated data or an individual student's data only in those instances where the vendor receives written permission from the student's parent or legal guardian. The contract shall also include either of the following provisions:

1. A prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service;
- or
2. A requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

TRANSFER OF STUDENT DATA

Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this policy shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

1. A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;
2. A student leaves the state to attend an out-of-state institution of higher education or training program;
3. A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;
4. The SBE or the SDE may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;
5. Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or
6. A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students' educational records.

NOTICE

A current copy of this policy shall be posted to the district's website as well as distributed to each student upon enrollment and at the beginning of each school year in the student handbook.

◆ ◆ ◆ ◆ ◆

LEGAL REFERENCE:

Idaho Code Section 33-133 – Definitions – Student Data – Use and Limitations – Penalties

NOTE: The "Student Data Accessibility, Transparency and Accountability Act of 2014" was passed by the Idaho Legislature with an emergency clause, and became law on March 26, 2014, when it was signed by the governor. Pursuant to this new legislation, the SBE is required to develop a model policy, which must be adopted by Idaho school districts and public charter schools governing data collection, access, security and use of such data, and which must be posted on the school district's website. In the event any inappropriate release of data occurs, and a district has failed to adopt, implement and post the model policy, a civil penalty may be imposed per violation in the amount

not to exceed \$50,000. When the SBE issues its model policy for Idaho school district, certain portions of this policy may be redundant.

