

## 8635-E PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY

The Rye Neck Union Free School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. The Rye Neck Union Free School District establishes the following parental bill of rights:

Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.

A student's personally identifiable information cannot be sold or released for any marketing or commercial purposes by the District or any third party contractor. The District will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by the District in accordance with District policy;

Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);

State and federal laws, such as [NYS Education Law §2-d](#) and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;

A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov.data-privacy-security> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234

Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to Mary Lanza, Data Privacy Coordinator, Rye Neck High School, 300 Hornidge Road, Mamaroneck, NY 10543, 914-777-4724, [mlanza@ryeneck.org](mailto:mlanza@ryeneck.org). Complaints can also be directed to the New York State Education Department online at <http://nysed.gov.data-privacy-security>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to [privacy@mail.nysed.gov](mailto:privacy@mail.nysed.gov) or by telephone at 5178-474-0937.

Parents have the right to be notified in accordance to applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.

Parents can expect that educational agency workers who handle PII will receive annual training on applicable federal and state laws, regulations, educational agency's policies and safeguards which will be in alignment with industry standards and best practices to protect PII.

In the event that the District engages a third-party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting Mary Lanza, Data Privacy Coordinator, Rye Neck High School, 300 Hornidge Road, Mamaroneck, NY 10543, 914-777-4724, [mlanza@ryeneck.org](mailto:mlanza@ryeneck.org) or can access the information on the District's website [ryeneck.org](http://ryeneck.org).

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### PARENT BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY

see attached schedule of data and data security documents

#### **Supplemental Information Regarding Third-Party Contractors**

For each contract where the third-party contractor ("Contractor") receives student data, or teacher or principal data, the following supplemental information must be included with the Bill of Rights:

1. The name of each third-party contractor:
2. The exclusive purpose for which the data will be used by the Contractor.
3. Where the data will be stored, how data security will be protected, and the security protections in place to ensure that such data will be protected, including whether such data will be encrypted.
4. How the Contractor will ensure that any subcontractors, or other authorized parties who receive the data will abide by all applicable data protection and security requirements.
5. Describe the methods and procedures that subcontractors will use to safeguard data.
6. The duration of the contract, when the contract will expire, and what will happen to the data upon expiration of the contract.
7. If and how the accuracy of the data can be challenged.

The School District has entered into a contract with the Contractors listed in the link below that will receive student data, or teacher or principal data. The list will be continuously updated as we receive more completed contracts:

<https://dpit.riconedpss.org/supplemental-information/02d9d2af98c045c402f6>

For information regarding data storage, security and protection data, data accuracy and expiration of the contracts referenced above, please contact Mary Lanza, Data Privacy Coordinator, Rye Neck High School, 300 Hornidge Road, Mamaroneck, NY 10543, 914-777-4724, [mlanza@ryeneck.org](mailto:mlanza@ryeneck.org).

Adoption date: June 17, 2020

Reviewed and Adopted: September 16, 2020

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**Rye Neck Union Free School District**

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Signature 

Print Name Lauren Sprowl

Title/Organization Business Manager - SMARTTEST EDU, INC dba Formative

Date 01/22/2021

## SCHEDULE OF DATA

| Category of Data                 | Elements   | Check if Used by Application  |
|----------------------------------|--|---|
| Application Technology Meta Data | IP Addresses of users, Use of cookies etc.                     | <b>X</b>  |
|                                  | Other application technology meta data-please specify:         | Device info, timestamps, etc.   |
|                                  |  |   |
| Application Use Statistics       | Meta data on user interaction with application                 | Minimal   |
|                                  |  |   |
| Assessment                       | Standardized test scores                                       | <b>X</b>  |
|                                  | Observation data   |   |
|                                  | Other assessment data – please specify:                        | Any teacher driven data   |
|                                  |  |   |
| Attendance                       | Student school (daily) attendance data                         |   |
|                                  | Student class attendance data                                  |   |
|                                  |  |   |
| Communications                   | Online communications that are captured (emails, blog entries) | teacher and student feedback + any other educator made communications |
|                                  |  |   |
| Conduct                          | Conduct or behavioral data                                     |   |
|                                  |  |   |
| Demographics                     | Date of Birth  |   |
|                                  | Place of Birth   |   |
|                                  | Gender   |   |
|                                  | Ethnicity or race  |   |

| Category of Data       | Elements   | Check if Used by Application |
|------------------------|--|------------------------------|
| Demographics (Cont.)   | Language information (native, preferred or primary language spoken by student (homeless / foster care) |                              |
|                        | Other Demographic information – please specify:  |                              |
|                        |  |                              |
| Enrollment             | Student school enrollment  | indirectly by teacher        |
|                        | Student grade level  | indirectly by teacher        |
|                        | Homeroom   |                              |
|                        | Guidance counselor   |                              |
|                        | Specific curriculum programs   |                              |
|                        | Year of graduation   |                              |
|                        | Other enrollment information – please specify  |                              |
|                        |  |                              |
| Parent / Guardian ID   | Parent ID number (created to link parents to students)   |                              |
|                        |  |                              |
| Parent / Guardian Name | First and / or Last  | not required, can provide    |
|                        |  |                              |
| Schedule               | Student scheduled courses  |                              |
|                        | Teacher names  | indirectly by teacher        |

| Category of Data            | Elements   | Check if Used by Application |
|-----------------------------|--|------------------------------|
| Special Indicator           | English language   |                              |
|                             | Low income status  |                              |
|                             | Medical alerts / health data   |                              |
|                             | Student disability information   |                              |
|                             | Specialized education services (IEP or 504)                              |                              |
|                             | Living situations (Homeless / foster care)                               |                              |
|                             | Other indicator information – Please specify                             |                              |
|                             |  |                              |
| Student Contact Information | Address  |                              |
|                             | Email  | not required, can provide    |
|                             | Phone  |                              |
|                             |  |                              |
| Student Identifiers         | Local (School district) ID number  | not required, can provide    |
|                             | State ID number  |                              |
|                             | Vendor / App assigned student ID number                                  |                              |
|                             | Student app username   | no required, can provide     |
|                             | Student app passwords  | not required, can provide    |
|                             |  |                              |
| Student Name                | First and/or Last  | not required, can provide    |
|                             |  |                              |
| Student In App Performance  | Program / application performance e.g. typing speed, reading level, etc. | potentially in the future    |

| Category of Data           | Elements   | Check if Used by Application |
|----------------------------|--|------------------------------|
| Student Program Membership | Academic or extracurricular activities a student may belong to or participate in |                              |
|                            |  |                              |
| Student Survey Responses   | Student responses to surveys or questionnaires                                   |                              |
|                            |  |                              |
| Student work               | Student generated content, writing, pictures, etc.                               | X                            |
|                            | Other student work – please specify  |                              |
|                            |  |                              |
| Transcript                 | Student course grades  | X                            |
|                            | Student course data  | X                            |
|                            | Student course performance data  | X                            |
|                            | Other transcript data – please specify   |                              |
|                            |  |                              |
| Transportation             | Student bus assignment   |                              |
|                            | Student pick up and/or drop off location   |                              |
|                            | Student bus card ID number   |                              |
|                            | Other transportation data – Please specify                                       |                              |

## Data Security and Privacy Plan

*As per the Agreement between the undersigned and Bay Shore Union Free School District, this plan must be completed by the Service Provider within 10 days of execution of the Agreement.*

### 1. Exclusive Purposes for Data Use

- a. Please list the exclusive purposes for which the student data [or teacher or principal data] will be used by the service provider include.

Please see [www.goformative.com/privacy](http://www.goformative.com/privacy)

Initial

LS

### 2. Data Accuracy/Correction Practices

- a. Parent [student, eligible student, teacher or principal] may challenge the accuracy of the data by...

Reaching out to [support@goformative.com](mailto:support@goformative.com) or by calling (833) 463-6761

Initial

LS

### 3. Subcontractor Oversight Details

- a. This contract has subcontractors: Yes ☒ No ☐
- b. Describe how the contractor will ensure subcontractors abide by data protection and security requirements, including but not limited to those outlined in applicable state and federal laws and regulations:

Our development team holds internal policies, mandatory security awareness trainings, and uses the NIST Cybersecurity Framework as a set of guidelines, standards and best practices with which they align themselves.

Initial LS

#### 4. Security Practices

- a. Where is the data stored? (described in such a manner as to protect data security)  
Encrypted in the cloud
- b. The security protection practices taken to ensure data will be protected include:

Use the NIST Cybersecurity Framework as a set of guidelines, standards and best practices with which they align themselves.

#### 5. Contract Lifecycle Practices

- a. The agreement expires on the date agreed upon in signed agreement
- b. When the agreement expires,
- i. How long is the student data [or teacher or principal data] retained?  
up to 10 years, unless requested in writing by district
- ii. How is the student data disposed? data is securely purged

#### 6. Encryption Practices

- a. Data encryption is applied in accordance with Education Law 2-d 5(f)(5)  
Yes x No \_\_\_\_\_ Initial LS

#### 7. Training Practices

- a. Annual training on federal and state law governing confidentiality is provided for all officers, employees, or assignees who have access to student [or teacher or principal data]  
Yes x No \_\_\_\_\_ Initial LS

SMARTEST EDU, INC dba Formative

Company Name

Lauren Sprowl - Business Manager

Print Name and Title

Lauren Sprowl  
Signature of Provider

01/22/2021

Date