

COMMUNICATING ABOUT THE PROTECTION OF DATA

This resource outlines communication recommendations related to data privacy and security laws that protect student data. Districts are responsible for supporting staff and families in building awareness and understanding of districts' practices and parents' rights that support the protection of student data. Use this resource to confirm the district is sending notices to parents and maintaining information on the website. An "X" is used to identify notification and website posting requirements. As FERPA and PPRA were enacted in the 1970s, district websites are not referenced in these laws and related regulations. Consider families' needs and communication best practices. Districts can use the checkmark column to assess, and refine as necessary, district practices.

EDUCATION LAW 2-D AND PART 121 REGULATIONS

Education Law 2-d and Part 121 of the Commissioner's Regulations outline requirements for educational agencies related to the protection of personally identifiable information (PII). The list below highlights components of the law and regulation that require parent notification and/or would be helpful to share with families.

✓	COMMUNICATION REQUIREMENTS	NOTIFICATION	WEBSITE	REFERENCE
<input type="checkbox"/>	Parents' Bill of Rights		X	Ed Law 2-d(3)
<input type="checkbox"/>	Supplemental Information		X	Part 121.3
<input type="checkbox"/>	Data Security and Privacy Policy	X officers and employees	X	Part 121.5
<input type="checkbox"/>	Data Incident Procedures and Forms	X parents and employees ¹		Part 121.4
✓	COMMUNICATION RECOMMENDATIONS			REFERENCE
<input type="checkbox"/>	Cybersecurity Awareness and/or Training Resources			Part 121.7
<input type="checkbox"/>	A District Contact Available to Address Data Security and Privacy Questions			Part 121.8

¹ Communication must be to parents, eligible students, teachers, principals or other staff of an educational agency.

Supplemental Information Note

With the Parents' Bill of Rights, districts must publish supplemental information for each third-party contract where the contractor receives protected data. Some districts post contracts, addendums, security plans, and/or other related documentation with the supplemental information. This practice is an option. It is not recommended or discouraged. While legal documents present readability challenges, posting additional information supports transparency. If posting this information, make sure appropriate redaction occurs to safeguard the agency's data and/or technology infrastructure.

*New York State Education Law 2-d
Part 121 of the Regulations of the Commissioner of Education*

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA protects education records. The federal law identifies parents' rights and related requirements for school districts. As a supplement to districts' annual notices, NYSED recommends posting this information on agencies' websites. When posting the information, make sure it is easily accessible. It can be difficult for community members to locate this information in the policy section. As a result, it is preferable to also include information on a page dedicated to the protection of student data.

✓	COMMUNICATION REQUIREMENTS	NOTIFICATION	REFERENCE
<input type="checkbox"/>	FERPA Rights and Procedures	X parents ² annually	34 CFR Part 99.7
<input type="checkbox"/>	Directory Information Policy	X parents ²	34 CFR Part 99.37

² Notice must be provided to parents of students in attendance and eligible students in attendance.



*Family Educational Rights and Privacy Act
Family Educational Rights and Privacy Act Regulations*

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA outlines rights regarding surveys, the use of information for marketing purposes, and physical exams. If events are scheduled after the notice is distributed at the beginning of the school year, follow up may be required. As noted in the FERPA section, consider making this information available on the district's website.

✓	COMMUNICATION REQUIREMENTS	NOTIFICATION	REFERENCE
<input type="checkbox"/>	PPRA Policy	X parents annually, beginning of the year	20 U.S.C. 1232h.c.2
<input type="checkbox"/>	Notification of Specific Events	X parents annually, beginning of the year	20 U.S.C. 1232h.c.2



*Protection of Pupil Rights Amendment (PPRA)
Protection of Pupil Rights Amendment Regulations*

Districts should refer to school district board of education policies, laws, and regulations when making decisions and developing communications related to use of student data and safeguards that protect personal information. **The information provided in this document does not, and is not intended to, constitute legal advice; instead, all information and content is for general informational purposes only.** For more information or if you have further questions, please contact your legal counsel.