

# Student Data Protection Policy

Weber School District, in compliance with HB 358 and SB 102, is now required to train all employees with student data access on the district's Student Data Protection Policy and Data Governance Plan. It is imperative that all employees fully understand the Student Data Protection Act and its impact on how student data is used within the school district.

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## Compliance

- The Student Data Protection Act went into effect on July 1, 2017.
- Every Weber School District employee who has access to student records is required to take this training and pass the corresponding exam.
- Per Utah SB 102, the Weber School District Board of Education will receive a list of all employees who have access and have taken the training.
- Any third-party Vendor that wants a contract on or after July 1, 2017 will be subject to these laws.

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## Data Formats

The Student Data Protection Act involves all student data, including but not limited to:

- Printed Documents
- Digital Documents
- Photographs
- Third-Party Vendor Compiled Information
- Student Records
- IEP Information
- Special Education Information
- Transcripts and Grades
- Information on Payable Accounts

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## Collectable Student Data

In accordance with FERPA and Utah's Student Data Protection Act, only certain types of information can be collected about students. This information may, upon need, be collected by the school district. If an employee requires more information about a student than what is listed in MyStudent, they will need to contact their administrator/principal. If there is ever a question about what information can legally be collected, contact the Student Data Manager ([tamiller@wsd.net](mailto:tamiller@wsd.net)).

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## Collectable Student Data - Details

**Necessary Student Data:** Data required by statute or federal law to conduct regular activities

- Name
- Date of birth
- Sex
- Parent contact information
- Custodial parent information
- Contact information
- Student ID number
- Local, state, and national assessment results
- Courses taken and completed, credits earned, other transcript information
- Course grades and grade point average
- Grade level and expected graduation date or cohort
- Degree, diploma, credential attainment and other exit information
- Attendance and mobility
- Drop-out data
- Immunization record or exception from one
- Race
- Ethnicity
- Tribal affiliation
- Remediation efforts
- Except from vision screening
- Information from vision screening
- Utah registry of Autism and Developmental Disabilities
- Student injury information
- Cumulative disciplinary record created and maintained by district
- Juvenile delinquency records
- English language learner status
- Child find and special education evaluation data related to initiation of IEP

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## Collectable Student Data - Details

**Optional Student Data:** Data not included in the Necessary or restricted categories

- Related to IEP or needed to provide special needs
- Biometric information
- Information that is not necessary student data and that is required for a student to participate in federal or other program

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## Restricted Data

No employee of Weber School District is allowed to ask for the following information:

- Social Security Number
- Criminal Record (unless it falls into a FERPA exception)
- Student data will not be collected unless the parent or legal guardian has provided written authorization.
- A parent or legal guardian has to have the option to opt-out of the usage of directory data.

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## Sharing of Student Data

- Only certain kinds of student information can be shared with a third-party vendor.
- State and Federal laws identify which kinds of information can be disclosed under certain circumstances and which kinds of information cannot be released.
- Any time student information is shared, parents must be notified and have the ability to 'opt-out'.

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## Sharing of Student Data – PII

**Personally Identifiable Information:** Information that would allow a person in the community to identify a student with reasonable certainty. This information is restricted and cannot be released to a third-party vendor.

- Student's first and last name
- First and last name of student's family member
- Home or physical address
- E-mail address or other contact information
- Student's phone number
- Student's social security number
- Student's biometric identifier
- Health or disability data
- Education entity student ID number
- Social media username and password or alias
- Customer number held in a cookie
- Combinations

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## Sharing of Student Data – Directory Info

**Directory Information:** Information that is generally not considered harmful or an invasion of privacy if released. This information can be released to third-party vendors as long as the parent or legal guardian is notified and has the option to "opt-out".

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

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## Exceptions

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires Weber School District to obtain written consent prior to the disclosure of a student's personally identifiable information or education record.

Directory information, as defined by FERPA, is an exception. Parents can opt-out of the release of student directory information, but if they do not, student information will be used without consent.

Listed below are examples of when directory information can be used.

- The Annual Yearbook
- Honor Roll
- Recognition Programs
- Graduation Programs
- Sports Activity Sheets
- A Drama Playbill

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## Restricted Uses

In the past, teachers and administrators utilized websites and software programs which required the creation of logins for individual students. This is now against the law. Websites and software programs must be pre-approved by following the Weber School District Data Governance Plan.

- Step 1: Employees must get principal or administrator approval.
- Step 2: The principal or administrator will contact the WSD Student Data Manager, which is Tanya Miller (Tamiler@wsd.net).
- Step 3: The Student Data Manager will work with the vendor to ensure all aspects of the Student Data Protection Act are followed (they must use a technical services approved authentication method).
- Step 4: The Student Data Manager will confirm findings with the Student Data Officer, which is Lynn Raymond.
- Step 5: The Student Data Manager will notify the principal regarding the acceptance or denial of the vendor and verify the completion of paperwork.

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## Third-Party Vendors

Keep in mind that third-party vendors are now also bound by Utah's Student Data Protection Act. When choosing a third-party vendor, they will be required to fulfill the following:

1. Sign a Memorandum of Agreement (MOA)
2. Read and sign the Weber School District's Student Data Protection Policy
3. Use an approved Weber School District secure authentication method for unique student logins
4. Be approved by the Student Data Officer

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## Do you agree?


Simply Clicking, "I Agree" on third-party vendor websites could potentially lead to a FERPA, PPRA, or Student Data Protection Act violation!

These are called Click-Wrap Agreements and can be legally binding, yet are very rarely read.

Once a district employee clicks "I Agree," the terms of the agreement will likely govern what information the provider can collect from or about students, and with whom they may share it.

Never click "I Agree" when using an online third-party vendor's program. Let the Student Data Manager read through the Terms of Service (TOS) or End User License Agreement (EULA) to verify its validity and legal accuracy. Every service or application needs to be evaluated and support the school district's broader missions and goals.

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# Take the Quiz

Click the "Take Quiz" button

- You need to score 100% to pass the quiz.
- This screen will remain open in case you need it.

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