

Summary of Student Data Transparency and Security Act

Colorado's newly passed Student Data Transparency and Security Act [C.R.S. Section 22-16-101 et seq.] adds to existing laws pertaining to student data privacy and security. It adopts additional duties that the State Board of Education (State Board), Department of Education (CDE), and Local Education Providers (LEPs), a term that includes School Districts, Boards of Cooperative Services, and Charter Schools, must all comply with. The purpose of this law is to increase the transparency and security of all Student Personally Identifiable Information (Student PII) that CDE and LEPs collect and maintain. It also imposes duties on all commercial entities that provide school services by formal contract with CDE or with an LEP (called Contract Providers in the law) and the commercial entities that an LEP or employees of an LEP choose to use without entering in a formal, negotiated contract (On-Demand Providers). The latter, On-Demand Providers, may also be referred to as "Click-through Applications".

Please go to www.cde.state.co.us/dataprivacyandsecurity/crs22-16-101 for the text of the new law

Key Dates

1. **August 10, 2016** – CDE and LEPs cannot enter into a new contract (or renew an existing contract) with entities that refuse to accept terms of the new law.
2. **March 1, 2017** – CDE must make a sample student data privacy and protection policy available for LEPs.
3. **Dec. 31, 2017** - LEPs to adopt their own student data privacy and protection policy
4. **July 1, 2018** – Small rural districts (under 1,000 students) to adopt their own student data privacy and protection policy (*note that this time extension is only for the creation of the student data privacy and protection policy*)

Definitions

PII is defined as information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by a public education entity, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

You are encouraged to review all definitions in the law [22-16-103, C.R.S.].

District Obligations

- Each Local Education Provider (LEP) shall post on their website clear information about the data elements (e.g., name, address, ethnicity, test score, etc.) that are collected and maintained in their data systems. [22-16-107(1)(a), C.R.S.]
- Each LEP will need to:
 - Post and maintain a list of all school service contract providers that involve PII that the LEP contracts with and post a copy of the contract. [22-16-107(1)(b), C.R.S.]
 - Update their current contract terms to comply with the requirements of the new law. [22-16-107(2)(a), C.R.S.]
 - Post a list of all on-demand service providers that involve PII that the LEP uses and, on the request of a parent, review the provider's compliance with the requirements of the new law. [22-16-107(3)(a), C.R.S.]
 - Adopt a student information privacy and protection policy, post that policy to its website and make it available to parents on request. [22-16-107(4)(a), C.R.S.]
 - The governing board of each LEP shall adopt a policy for hearing complaints from parents regarding the LEP's compliance with the requirements of this article. At a minimum, the policy must provide a parent the



opportunity to submit information to the governing board and receive a hearing by the governing board and must require the governing board to take action on the parent's complaint within sixty days after the hearing. [22-16-105(5)(b), C.R.S.]

- Should an on-demand service provider not comply with its privacy policy or the requirements of the new law, the LEP is *strongly encouraged to stop using that provider* and post on its website a list of all on-demand service providers that it has stopped using. The LEP will need to post a notice of this procedure on its website.

Resources to Expect from CDE

- CDE will develop data security guidance for LEPs.
- CDE will provide LEPs with sample student information privacy and protection policies.
- CDE will provide LEPs with sample contract language for use in contracting with vendors and keep this language up-to-date in light of advances in data technology.
- CDE will make available to LEPs resources that they can use in training their employees in privacy and security.
- On the request of a LEP, CDE will provide the LEP with training related to student information security and privacy.
- Upon receiving information that an LEP has stopped using a vendor due to the misuse of PII, CDE will post that information to its public website.

Contact Information for Questions

For additional information or questions, please contact either:

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Or

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