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- (iii) third party contractors providing services to, or performing functions for an educational agency; (iv) authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as NYSED; (iv) (v) organizations conducting studies for or on behalf of educational agencies) and (vi) the public where the school or school district has designated certain student data as "directory information" (described below). The attached FERPA Model Notification of Rights more fully describes the exceptions to the consent requirement under FERPA).
- 4. Where a school or school district has a policy of releasing "directory information" from student records, the parent has a right to refuse to let the school or school district designate any all of such information as directory information. Directory information, as defined in federal regulations, includes: the student's name, address, telephone number, email address, photograph, date and place of birth, major field of study, grade level,

x All schools that are:

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New York State Education Department, Room 863 EBA, 89 Washington Avenue,

Education Law §2-d provides very specific protections for contracts with "third party contractors", defined as any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency. The term "third party contractor" also includes an educational partnership organization that receives student and/or teacher or principal APPR data from a school district to carry out its responsibilities pursuant to Education Law §211-e, and a not-for-profit corporation or other non-

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and records and obtain documentation from, or require the testimony of, any party relating to the alleged improper disclosure of student data or teacher or principal APPR data.

Where there is a breach and unauthorized release of PII by a by a third party contractor or its assignees (e.g., a subcontractor): (i) the third party contractor must notify the educational agency of the breach in the most expedient way possible and without unreasonable delay; (ii) the educational agency must notify the parent in the most expedient way possible and without unreasonable delay; and (iii) the third party contractor may be subject to certain penalties including, but not limited to, a monetary fine; mandatory training regarding federal and state law governing the confidentiality of student data, or teacher or principal APPR data; and preclusion from accessing any student data, or teacher or principal APPR data, from an educational agency for a fixed period up to five years.

8. Data Security and Privacy Standards

Upon appointment, NYSED's Chief Privacy Officer will be required to develop, with input from experts, standards for educational agency data security and privacy policies. The Commissioner will then promulgate regulations implementing these data security and privacy standards.

9. No Private Right of Action

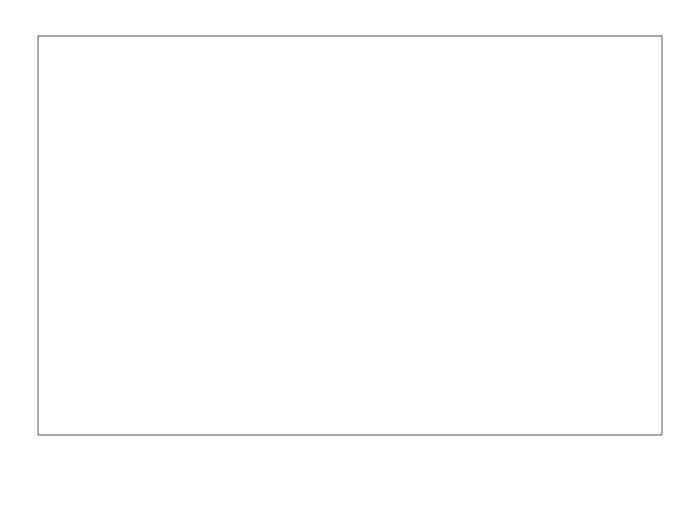
Please note that Education Law §2-d explicitly states that it does <u>not</u> create a private right of action against NYSED or any other educational agency, such as a school, school district or BOCES.

APPENDIX S-1

Attachment to Parents' Bill of Rights

For Contracts Involving Disclosure of Certain Personally Identifiable Information

involverecord	s be attached es the disclosu ds ("Student D mance evalua	to every contracture of personally ata"), or certain tions that is confi	t with a third-part identifiable inforn teacher/principal dential pursuant t	y contractor (as nation (PII) derive information regalored	uires that a Parent defined in the law ed from student ed rding annual profe §30212-c ("APPR (s)rh().5heusce ot s	v) which ducation essional R Data").	a)10. (5nd)



5. State whether the Contractor will be collecting any data from or pertaining to students derived from the student's education record or pertaining to teachers or principals' annual professional performance evaluation pursuant to the Contract, and explain if and how a parent, student, eligible student (student eighteen years or older), teacher or principal may challenge the accuracy of the Student Data or APPR data that is collected.
☐ APPR Data
Any challenges to the accuracy of any of the Student Data or APPR Data shared pursuant to this Contract should be addressed to the school, educational agency or entity which produced, generated or otherwise created such data.
 Describe where the Student Data or APPR Data will be stored (in a manner that does not jeopardize data security), and the security protections taken to ensure that the data will be protected, including whether such data will be encrypted.
Bidder should detail in this section where data will be stored, what security measures will be in place, and whether electronic data is encrypted in motion and/or at rest .
Questar III BOCES uses School and Cognos Reports, which hosted by NERIC. NERIC has the required Data Privacy Contract in place that meets the requirements of Ed Law 2d and protects the privacy and meets the encryption requirements in accordance with the how der for Questar III BOCES to access these reports, Gladys Cruz, our Districtin and Consent in accordance with Ed Law 2d that data would not be compromised once access is figitiven. necessary to email information which contains any PII, the file is encrypted before being sent, which