



TO: School District Superintendents  
BOCES Superintendents  
Charter School Leaders  
Data Protection Officers

FROM: Louise DeCandia, Chief Privacy Officer

DATE: July 19, 2023

### Monitoring

The New York State Education Department's (NYSED) Privacy Office will begin monitoring some educational agencies' websites for compliance with Education Law § 2-d and the Family Educational Rights Privacy Act (FERPA). Monitoring will begin in the fall of 2023, allowing time for educational agencies to review their websites and ensure compliance before monitoring begins.

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- 1) Is there a Parent's Bill of Rights (PBOR) on the website? [required by 8 NYCRR § 121.3 (a)]
- 2) Is there information as to how parents or eligible students can file a complaint? This may be included in the educational agency's PBOR [required by 8 NYCRR §121.4]

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<sup>1</sup> See [U.S. Department of Education, Student Privacy Policy Office's Final Report on Local Education Agency's Website Student Privacy Transparency Reviews](#) (September 2018-August 2022)

- 3) Is the supplemental information to the PBOR for any contract or other written agreement with a third-party contractor that will receive personally identifiable information (PII) on the website? [required by 8 NYCRR §121.3 (d)]
- 4) Is the educational agency's data security and privacy policy that implements the requirements of Part 121 and aligns with the NIST CSF published? [required by 8 NYCRR §121.5 (b)]

*Information on Education Law § 2-d and Part 121 of the regulations of the Commissioner of Education can be found here:*

- [NYSED Data Privacy and Security](#)
- [RIC ONE Resources](#)

**FERPA:**

- 1) Is the FERPA Annual Notification available on the website? If not, NYSED's Privacy Office may ask how the educational agency is providing notice to parents and eligible students of their rights under FERPA. [required under 20 USC §1231g (c) and 34 CFR 101.11 (b) (1) (i)]

agencies to include the DPO's name and contact information on their website's privacy page.

Finally, some educational agencies will be asked to share information with NYSED's Privacy Office regarding their annual data privacy and security awareness training [required by 8 NYCRR § 121.7]. Training sign-in sheets or certifications of completion, dates of training, the training itself or the name of a training service may be requested.

Please do not hesitate to contact my office at [privacy@nysed.gov](mailto:privacy@nysed.gov) if you have any questions regarding this monitoring initiative.

**School Districts with model privacy web pages:**

[Herricks School District](#)

[Williamsville Central School District](#)

[New Rochelle City School District](#)

[Holland Central School District](#) (Note this page is currently unavailable but the links are there)

[Salmon River Central School District](#)

[Victor Central School District](#)

[Hancock Central School District](#)

[Westmoreland Central School](#)

[Baldwinsville Central School District](#)