

**QUEEN ANNE’S COUNTY PUBLIC SCHOOLS**

**Policy Title:** Student Data Governance and Privacy  
**Policy No.:** 705

**Scheduled Reads**

1<sup>st</sup> Read: 11/01/2023  
2<sup>nd</sup> Read: 12/06/2023  
Approval: 01/03/2024

**Attachment(s):** Policy 705: Student Data Governance and Privacy

**AGENDA ITEM FOR THE BOARD OF EDUCATION**

  X   **Information/Review** *(This is the first reading for this policy before being posted on the school district’s website for the public comment period, after which it will be brought back to the Board for the second reading with any revisions as appropriate.)*

       **Second Reading** *(This is the second reading for this policy. Edits as a result of public comment are included. Also included are recommended edits by Board members or Administration.)*

       **Action** *(The Superintendent recommends approval of this Policy subject to final edits for format and style.)*

STAFF PRESENTATION: Matthew Kibler, Ed.D.  
FISCAL IMPACT: None BUDGETED: N/A  
DOLLAR AMOUNT: N/A BUDGET SOURCE: N/A

SUBJECT:  
Student Data Governance and Privacy

BACKGROUND:  
The purpose of this policy is to establish standards and procedures for maintaining a student data governance and privacy program that aligns with federal, state, and local laws and regulations.

DISCUSSION:  
The Board of Education of Queen Anne’s County Public Schools (the Board) has a duty as stewards of student data to safeguard personally identifiable student data throughout the Queen Anne’s County Public Schools (QACPS).

# **POLICY Board of Education of Queen Anne's County Public Schools**

<b>Responsible Office:</b> Department of Instructional Services & Technology
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## **Student Data Governance and Privacy**

### **I. PURPOSE**

The purpose of this policy is to establish standards and procedures for maintaining a student data governance and privacy program that aligns with federal, state, and local laws and regulations.

### **II. POLICY STATEMENT**

The Board of Education of Queen Anne's County Public Schools (the Board) has a duty as stewards of student data to safeguard personally identifiable student data throughout the Queen Anne's County Public Schools (QACPS). The Board also has a duty to comply with federal, state, and local legal mandates with regard to the processing and/or reporting of certain student data. In order to fulfill both duties, the Board recognizes the need for a comprehensive policy that addresses student data governance and privacy by instituting standards for safeguarding the privacy of student data throughout QACPS, confirming compliance with legal and regulatory mandates, and establishing a commitment to student data practices.

### **III. DEFINITIONS**

- A. *Authorization* – The approval to process student data in accordance with QACPS data privacy controls and federal, state, and/or local laws and regulations.
- B. *Critical Response Team* - The group of designated QACPS personnel and leaders who take action when potential data privacy incidents arise.
- C. *Data Governance* – A formalized organizational approach to managing the processing of student data across the QACPS.
- D. *Data Privacy* – The protection of student data from unauthorized data disclosure.
- E. *Data Privacy Assessment* – A process used to evaluate how a records management process or enterprise information system processes student data.
- F. *Data Privacy Control* – An administrative, technical, or physical safeguard employed within QACPS that governs the access to and processing of student data according to the least privilege methodology.

- G. *Data Privacy Incident Response Plan* – The QACPS protocols that outline the reaction to, mitigation of, and communication regarding an event that potentially compromises the confidentiality, integrity, or availability of student data.
- H. *Data Processing* – The creation, collection, use, maintenance, release, disclosure, and/or destruction of student data.
- I. *De-identified Data* – Data that, based on federal and state standards, QACPS has determined cannot reasonably be used to identify an individual person.
- J. *Digital Tool* – Any website, application, or software that requires an account.
1. *Essential Digital Tool* – An approved digital tool necessary to deliver educational programs and operational services.
  2. *Supplementary Digital Tool* – An approved digital tool used as non-essential enrichment for the purpose of enhancing a students’ educational experience.
- K. *Voluntary Product Accessibility Template (VPAT)*- a document that explains how information and communication technology meets criteria outlined in the Rehabilitation Act, Section 508, for accessibility, based on the Web Content Accessibility Guideline (WCAG) requirements.
- L. *Enterprise Information System* – A QACPS technology platform that processes system wide student data.
- M. *Essential* – That which is necessary for the delivery of educational programs and operational services, including, but not limited to, the student information system, the learning management system, and the library media system.
- N. *Every Student Succeeds Act (ESSA)* – A federal law that replaced the No Child Left Behind Act.
- O. *Family Educational Rights and Privacy Act (FERPA)* – A federal privacy law that governs a school system’s processing of personally identifiable student information and delineates parental rights to their children’s education records.
- P. *Learning Management System (LMS)* – A software application for the administration, documentation, tracking, reporting, and delivery of education courses, training programs, or learning and development programs.
- Q. *Least Privilege* – The methodology whereby each user is assigned the appropriate level of access to student data needed for his/her responsibility.
- R. *Parent* – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. *Biological Parent* – A natural parent whose parental rights have not been terminated.

2. *Adoptive Parent* – A parent who has legally adopted the student and whose parental rights have not been terminate
  3. *Custodian* – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
  4. *Guardian* – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
  5. *Caregiver* – A living arrangement in which an adult relative of a student who exercises care, custody, or control over the student but who is neither the biological parent nor legal guardian as long as the person satisfies the requirements of the Education Article §7-101 (c) (Informal Kinship Care).
  6. *Foster Parent* – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- L. *Personally Identifiable Information (PII)* – Information identified in federal or state law as such information as well as any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- M. *Record* – Any material created or received by the Board, an individual school or office within QACPS, or a QACPS staff member in connection with the transaction of QACPS business. A record includes any form of documentary material, including but not limited to, paper documents, electronic documents, microfilm, drawings, maps, pictures and any other documentary material in any format, in which business information is created or maintained.
- N. *Records Management Practice* – Any procedure for collecting or maintaining a QACPS record.
- O. *School System Official* – A person employed by the QACPS or a person or organization under contract with QACPS to perform a special task, e.g., an attorney, auditor, school resource officer, medical consultant, or therapist.
- P. *Student Data* – Any PII relating to an identified or identifiable student.
- Q. *Student Education Record* – Specific records, as defined and protected by FERPA, mandated by COMAR, that are directly related to an individual student and maintained by the QACPS.

#### IV. POLICY ELEMENTS (STANDARDS)

- A. Student data will be:
1. Processed lawfully and in a transparent manner in relation to the student;
  2. Collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes;

3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
  4. Accurate and, where necessary, kept up to date; and
  5. Processed in a manner that provides for the appropriate privacy of the student data, including protection against unauthorized or unlawful processing and using appropriate technical or organizational data privacy controls; and
- B. QACPS will only collect and/or share student data if the collection and/or sharing is:
1. With the consent of the parent/guardian for one or more specific purposes;
  2. Necessary for the performance of a QACPS approved and FERPA compliant contract, grant, or agreement to provide an essential service or function such as, but not limited to, the student information system, the learning management system, and the library media system;
  3. Necessary for compliance with a legal obligation to which the QACPS is subject;
  4. Necessary in order to protect the safety of an individual;
  5. Necessary for the exercise of the official authority vested in the QACPS, including compliance with the Maryland State Department of Education regulations pertaining to student education records as specified in COMAR and compliance with the United States Department of Education regulations pertaining to school system reporting and accountability as specified in ESSA; or
  6. Allowed under FERPA.
- C. The QACPS will include student data privacy protections in all contracts, grants, and agreements requiring the sharing of student data. These protections will include, but are not limited to:
1. Limiting the student data shared to the minimum necessary to fulfill the purpose of the contract, grant, or agreement;
  2. Mandating that student data be processed only for such specified purposes;
  3. Prohibiting unauthorized access, destruction, use, modification or disclosure of student data;
  4. If QACPS requests deletion of student data that said data be deleted within a reasonable time (if student data is under the authority of QACPS).

5. Prohibiting processing of student data for commercial gain beyond that of the specified contractual purpose;
  6. Prohibit the engagement of targeted advertising and selling of student data, with few exceptions.
  7. Mandating the reasonable administrative, technical, and physical safeguards of student data;
  8. Mandating the maintenance of a data breach incident response plan and data breach notification process; and
  9. Permitting a technical and/or administrative review by QACPS to monitor compliance with the contractual agreements.
- D. The QACPS will maintain a comprehensive student data governance and privacy program that confirms compliance with legal and regulatory mandates, establishes a commitment to public transparency about QACPS student data practices, and institutes standards for safeguarding the privacy of student data throughout the QACPS. The student data governance and privacy program requires the QACPS to:
1. Manage and maintain a method to collect and respond to parent inquires about student data governance and privacy practices;
  2. Manage and maintain a method for engaging with offices throughout the QACPS to encourage the use of digital technologies and data governance strategies that sustain and/or enhance student data privacy;
  3. Maintain and publicize an inventory of the student data elements the QACPS collects with an explanation and/or legal or regulatory authority;
  4. Maintain and publicize an inventory of the digital tools that involve student data;
  5. Conduct data privacy assessments of enterprise information systems and records management practices that involve student data;
  6. Incorporate data privacy controls that apply the least privilege methodology into enterprise information systems and records management practices that process student data;
  7. Maintain a Data Privacy Incident Response Plan that includes Maryland breach notification requirements and identifies the Critical Response Team;
  8. Respond to potential student data privacy incidents by convening the Critical Response Team and taking action according to the Data Privacy Incident Response Plan;

9. Review public releases of student data in order to ensure data is de-identified ~~were~~-where possible;
10. Review internal requests for access to student data in order to incorporate appropriate student data privacy controls and disclosure avoidance techniques;
11. Review the QACPS responses to external research and data sharing requests in order to incorporate appropriate student data privacy controls for all approved requests;
12. Review contracts, grants, and agreements in order to incorporate appropriate student data privacy requirements;
13. Review digital tools and authorize only those digital tools that adhere to federal, state, and local student data privacy laws and regulations;
14. Implement procedures for vetting and selecting internet sites, services and applications.
15. Review accessibility of all digital tools and vetted technologies using a VPAT, in accordance with WCAG criteria, to meet Federal, State, and local laws and regulations.
16. Conduct annual training and/or notification for all QACPS personnel, contractors, and volunteers on student data privacy policies, procedures, and practices; and
17. Report annually to the Board on activities that impact student data privacy, including parental inquiries, data privacy controls, and relevant legislative and regulatory changes.

**V. IMPLEMENTATION (RESPONSIBILITIES)**

- A. All QACPS Board members and school system officials will maintain the privacy of all student data by:
  1. Following all approved data governance and privacy controls; and
  2. Using only contracted essential digital tools or authorized supplemental digital tools with students for QACPS-sanctioned activities.
- B. The Superintendent/Designee will collaborate with the QACPS executive leadership to manage and maintain the student data governance and privacy program.
- C. Offices that initiate or implement an enterprise information system or records management process will collaborate with the Superintendent/Designee to conduct a data privacy assessment of the system or process and incorporate appropriate data privacy controls as necessary.

- D. The Superintendent/Designee, will approve all contracts, grants, and agreements that require the processing and/or sharing of QACPS student data with an entity outside of the QACPS, notwithstanding those that are required by state and federal regulations as described in Section IV.B.1–5.

## VI. POLICY REVIEW

The Superintendent/Designee will review the policy every two years to determine whether to recommend revision to this policy and implementation procedures.

## VII. SPECIFIC REFERENCES TO TITLES, DEPARTMENTS, OR LAWS

### A. Legal

1. Every Student Succeeds Act (ESSA), 20 U.S.C. §6301
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232(g)
3. Privacy Act of 1974, 5 U.S.C. § 552(a)
4. Maryland Personal Information Protection Act, Md. Code Com. Law § 4-3501 et seq.
5. The Annotated Code of Maryland, Education Article, §4-131, Student Data Privacy Act of 2015 COMAR 13A.08.02. Student Records.
6. Maryland House Bill, § HB0568.
7. Rehabilitation Act, Section 508, law 29 U.S.C § 794 (d)
8. Maryland Code, Educ. § 7-910
9. COMAR Chapter 13A.06.05 - Purchase and Use of Accessible Teaching and Learning Materials

### B. Other Board Policies

1. Policy 104 - Code of Ethics
2. Policy 205 - Acceptable Use Policy
3. Policy 501 - Access to Student Records



**VIII. EFFECTIVE DATE**

Date:

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Patricia W. Saelens, Ed.D.  
~~Andrea M. Kane, Ph.D.~~  
Superintendent, Queen Anne’s County Public Schools

**HISTORY:**

<b>Initial Adoption</b>	08/07/2019	<b>Revised</b>	1/03/2024	<b>Reviewed</b>		<b>Next Review</b>	--/--/----
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