

# Policy Pulse

Monthly Policy Communication – September 2020

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## What's Inside:

- Revised Sample Policy: Privacy and Security for Student Data and Teacher and Principal Data (#5676)
  - Further Updates by NYSED to the Parents' Bill of Rights for Data Privacy and Security
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## Revised Sample Policy: Privacy and Security for Student Data and Teacher and Principal Data (#5676)

**Is this policy required by law or regulation? Yes**

**Is there a tracked version of the revisions to this sample policy? Yes**

Required sample policy 5676, Privacy and Security for Student Data and Teacher and Principal Data, has been revised in light of NYSED issuing an updated sample "Parents' Bill of Rights for Data Privacy and Security" (Bill of Rights) and the new records retention schedule "Retention and Disposition Schedule for New York Local Government Records (LGS-1)." Districts are required to adopt and publish a data privacy and security policy by October 1, 2020, extended from July 1, 2020.

On page nine of the sample policy, Policy Services deleted the list outlining what the District's Bill of Rights will state in clear and plain English terms. As discussed, NYSED has further updated its sample Bill of Rights. Rather than revising the sample policy to reflect the content of NYSED's updated sample Bill of Rights, Policy Services determined it would be more efficient to remove this information from policy. The content of the Bill of Rights does not need to be in policy and removing this information will eliminate the necessity to update the policy every time NYSED updates its sample Bill of Rights.

On page eleven of the sample policy, Policy Services deleted the reference to "Records Retention and Disposition Schedule ED-1" in light of LGS-1 which supersedes and replaces ED-1. Districts have until January 1, 2021 to adopt LGS-1 when ED-1 expires. The LGS-1 will be the subject of a Policy Pulse prior to January 1, 2021.

## Further Updates by NYSED to the Parents' Bill of Rights for Data Privacy and Security

As part of the June 2020 Policy Pulse, Policy Services notified districts that NYSED had issued an updated sample "Parents' Bill of Rights for Data Privacy and Security" (Bill of Rights). NYSED has further updated its [sample Bill of Rights](#).

Education Law Section 2-d requires districts to publish on their website a Bill of Rights which includes supplemental information for each contract a district enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data.

In August 2014, Policy Services sent out a sample Bill of Rights. In February 2020, in response to the adoption of 8 NYCRR Part 121, which implements the requirements of Education Law 2-d, Policy Services issued new sample policy 5676, Privacy and Security for Student Data and Teacher and Principal Data, and updated the sample Bill of Rights it sent to districts in 2014. In June 2020, we notified districts that NYSED had issued an updated sample Bill of Rights.

Since that time, NYSED has further revised its sample Bill of Rights. Policy Services recommends that districts review the newest version of NYSED's sample Bill of Rights and, after consulting with District administrators and/or counsel, update their Bill of Rights as necessary.

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**Thank you for choosing Erie 1 BOCES. As always, please do not hesitate to contact your policy coordinator with any questions.**

**Policy Services**

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**Notes**

This communication does not give legal advice. Districts may want to modify sample policies after consulting with district administrators and/or counsel to better reflect district-specific circumstances and practices. Policy numbers may vary. Review your Policy Manual's table of contents to identify the appropriate placement of policies.