

The Executive Board is committed to protecting the confidentiality of student information obtained, created, and/or maintained by Windsor Charter Academy. Student privacy and Windsor Charter Academy's use of confidential student information is protected by federal and state law, including the Family Educational Rights and Privacy Act (FERPA) and the Colorado Student Data Transparency and Security Act (the Act). The Executive Board directs Windsor Charter Academy staff to manage its student data privacy, protection, and security obligations in accordance with this policy and applicable law.

Definitions

"Student education records" are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

"Student personally identifiable information" or "student PII" means 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 Windsor Charter Academy, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

"Security breach" means the unauthorized disclosure of student education records or student PII by a third party.

The following terms used in this policy shall be as defined by the Act: "school service" "school service contract provider" and "school service on-demand provider" Access, Collection, and Sharing within Windsor Charter Academy Windsor Charter Academy shall follow applicable law and Board policy in Windsor Charter Academy's access to, collection of and sharing of student PII and education records.

Windsor Charter Academy employees shall ensure that PII in student education records is disclosed within Windsor Charter Academy only to officials who have a legitimate educational interest, in accordance with applicable law and Board policy.

Outsourcing and Disclosure to Third Parties

Windsor Charter Academy employees shall ensure that PII and education records are disclosed to persons and organizations outside Windsor Charter Academy only as authorized by applicable law and Board policy. The term "organizations outside Windsor Charter Academy" includes school service on-demand providers and school service contract providers.

Any contract between Windsor Charter Academy and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, Windsor Charter Academy shall post the following on its website:

- A list of the school service contract providers that it contracts with and a copy of each contract.
- To the extent practicable, a list of the school service on-demand providers that Windsor Charter Academy uses.

Privacy and Security Standards

The security of student PII and education records maintained by Windsor Charter Academy is a high priority. Windsor Charter Academy shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student PII and education records.

Security Breach or Other Unauthorized Disclosure

Employees who disclose student PII or education records in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment.

Employee concerns about a possible security breach shall be reported immediately to their direct supervisor. If the direct supervisor is the person alleged to be responsible for the security breach, the staff member shall report the concern to the Executive Director or their designee.

When Windsor Charter Academy determines that a school service contract provider has committed a material breach of its contract with Windsor Charter Academy and that such material breach involves the misuse or unauthorized release of student PII, Windsor Charter Academy shall follow this policy accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict Windsor Charter Academy from terminating its contract with the school service contract provider, as deemed appropriate by Windsor Charter Academy and in accordance with the contract and the Act.

Data Retention and Destruction

Windsor Charter Academy shall retain and destroy student PII and education records in accordance with applicable law and Board policy.

Staff Training

Windsor Charter Academy shall provide periodic in-service training to appropriate Windsor Charter Academy employees to inform them of their obligations under applicable law and Board policy concerning the confidentiality of student PII and education records.

Parent/Guardian Complaints

In accordance with this policy, and accompanying regulation, a parent/guardian of a Windsor Charter Academy student may file a written complaint with Windsor Charter Academy if the parent/guardian believes Windsor Charter Academy has failed to comply with the Act. Parent/Guardian Requests to Amend Student Education Records Parent/guardian requests to amend his or her child's education records shall be in accordance with Windsor Charter Academy's procedures governing access to and amendment of student education records under FERPA, applicable state law, and Board policy.

Oversight, Audits, and Review

The Director of Innovation shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

Windsor Charter Academy's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the Director of Innovation or designee.

A privacy and security audit shall be performed by Windsor Charter Academy on an annual basis. Such audit shall include a review of existing user access to and the security of student education records and student PII.

The Director of Innovation or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student PII and education records in light of advances in data technology and dissemination. The Director of Innovation shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

Compliance with Governing Law and Board Policy

Windsor Charter Academy shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student PII and education records. Windsor Charter Academy shall be entitled to take all actions and exercise all options authorized under the law.

In the event, that this policy or accompanying regulation does not address a provision in applicable state or federal law or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Windsor Charter Academy Executive Board

Adopted: May 2018

March 2023

Legal References

15 U.S.C. 6501 et seq. (Children's Online Privacy Protection Act)

20 U.S.C. 1232g (Family Educational Rights and Privacy Act)

20 U.S.C. 1232h (Protection of Pupil Rights Amendment)

20 U.S.C. 1415 (IDEIA procedural safeguards, including parent right to access student records)

20 U.S.C. 8025 (access to student information by military recruiters)

34 C.F.R. 99.1 et seq. (FERPA regulations)

34 C.F.R. 300.610 et seq. (IDEIA regulations concerning confidentiality of student education records)

C.R.S. 19-1-303 and 304 (records and information sharing under Colorado Children's Code)

C.R.S. 22-1-123 (Windsor Charter Academy shall comply with FERPA and federal law on protection of pupil rights)

C.R.S. 22-16-101 et seq. (Student Data Transparency and Security Act)
C.R.S. 22-16-107 (2)(a) (policy required regarding public hearing to discuss a material breach of contract by school service contract provider)
C.R.S. 22-16-107 (4) (policy required regarding student information privacy and protection)
C.R.S. 22-16-112 (2)(a) (policy required concerning parent complaints and opportunity for hearing)
C.R.S. 24-72-204 (3)(a)(VI) (schools cannot disclose student address and phone number without consent)
C.R.S. 24-72-204 (3)(d) (information to military recruiters)
C.R.S. 24-72-204 (3)(e)(I) (certain FERPA provisions enacted into Colorado Law)
C.R.S. 24-72-204 (3)(e)(II) (disclosure by staff of information gained through personal knowledge or observation)
C.R.S. 24-80-101 et seq. (State Archives and Public Records Act)
C.R.S. 25.5-1-116 (confidentiality of HCPF records)

Cross References

BEDH Public Participation at School Board Meetings
EHB Records Retention
GBEB Staff Conduct (And Responsibilities)
GBEE Staff Use of the Internet and Electronic Communications
JLDAC Screening/Testing of Students
JRA Weld County School Windsor Charter Academy RE-4 Student Records/Release of Information Concerning Students
JS Appropriate Use of Windsor Charter Academy and Personal Technology