

Manhattan Beach Unified School District

Student Data Privacy



Fagen Friedman & Fulfrost LLP

Existing Federal Law

- Federal Educational Rights and Privacy Act (“FERPA”)
- Protects certain educational records from disclosure



- How does this work in cloud environment?
- Third-Party vendor is “deputized” as school official.



- But how do you supervise this third-party vendor from a distance?
- FERPA says little.



California Fills the Gap:

- AB 1584 (Education code section 49073)
- Provides specific guidance to school districts for cloud-based services storing or using student data.



- Applies to contracts entered into after January 1, 2015
- Four Key Provisions:
 1. Information continues to own and control student records.



Four Key provisions (cont.)

2. No third party use of information.

3. How students or parents can access records.

4. Notice of Breach.



How to implement? Policy!

1. Integrate into Board Policies, and Administrative Regulations
2. Make sure contracts are compliant.



Tools

- 1. CETPA checklist
- 2. CETPA Amendment
- 3. Best Practices checklist coming!



Collaborate

- 1. Other districts are hard at work.
- 2. CETPA Resources
- 3. Your IT Department is a great source of resources and expertise!

