



## **POLICY ON PROTECTION OF STUDENT INFORMATION IN CONNECTION WITH ONLINE EDUCATIONAL SERVICES**

**Adopted and Effective: September 20, 2023**

This is the Policy on Protection of Student Information in Connection with Online Educational Services of Classical Preparatory (the "School"). This policy is implemented to comply with the requirements of Rules 6A-1.0955(9) and 6A-1.09550, Florida Administrative Code, the Family Educational Rights and Privacy Act ("FERPA"), the Children's Online Privacy Protection Act ("COPPA"), and other applicable laws.

### **1. Definitions.**

- a. "Applicable Laws" means FERPA, COPPA, 15 U.S.C. §§ 6501-6506, Section 1002.22, Florida Statutes, all other applicable Florida Statutes, and all applicable administrative rules.
- b. "Education records" means records that are directly related to a student and that are maintained by the School as defined in 20 U.S.C. s. 1232g(a)(4).
- c. "Eligible student" means a student who has reached eighteen (18) years of age. d. "Online educational service" means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online services that students or parents may use in their personal capacity or to online services that the School may use to which students or parents do not have access, such as a student information system.
- e. "Parent" includes parents or guardians of students who are or have been in attendance at the School.
- f. "Personally identifiable information" or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to, direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- g. "Student" means any individual who is or has been in attendance at the School and regarding whom the School maintains education records.
- h. "Third-party vendor" or "Third-party service provider" means any entity, whether public or private, that provides services to the School through a contract or agreement. The term does not include the Florida Department of Education, the Department's contractors and subcontractors, or School Boards and School Districts.

**2. Purpose.** This policy is intended to protect the personally identifiable information (“PII”) of students when students are required to use online educational services, including to provide protections against potential misuse of PII, data mining, or targeting for marketing and other commercial purposes.

**3. Review of Online Educational Services.** All online educational services that students or their parents are required to use as part of school activities must be reviewed and approved as described herein, regardless of whether the online educational service is free, whether use of the online educational service is unique to specific classes and courses, or whether there is a written agreement governing student use. The Principal or their designee must review each online educational service’s terms of service and privacy policy to ensure compliance with state and federal privacy laws, including the Applicable Laws, and the requirements set forth in this policy. The Principal or designee must determine whether the online educational service provider will collect PII, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any. Under no circumstances may an online educational service be used if such a service will share or sell student PII for commercial purposes (including, but not limited to, targeted advertising) without providing parents a means to either consent or disapprove.

**4. Approval of Online Educational Service.** If a teacher or other employee at the School intends to utilize an online educational service as part of a school activity, they must first submit a request to the Principal or their designee for review and approval. No online educational service may be utilized for any school activity unless it has been reviewed and approved. Following the review described above, the Principal or their designee must approve or deny the use of the online educational service. The Principal or designee reserves the right to deny the use of any online educational service for any reason, including if the online educational service is determined to have policies or practices that could lead to the misuse of student PII or violate the Applicable Laws. The Principal or designee may also approve the use of an online educational service subject to parental consent, as described in more detail below. The Principal or designee will maintain documentation related to the approval or denial of all online educational services. Nothing herein is intended to supersede the authority of the Governing Board to approve the use of an online educational service to the extent such approval is required by any other policy of the School.

**5. Contracts and Agreements.** All contracts or agreements executed by or on behalf of the School with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. Any agreement that provides for the disclosure or use of student PII must:

- a. Require compliance with FERPA, its implementing regulations, and Section 1002.22, F.S.
- b. Where applicable, require compliance with COPPA, 15 U.S.C. ss. 6501-6506, and its implementing regulations.
- c. Where applicable, require vendors to ensure compliance with the Student Online Personal Information Protection Act, Section 1006.1494, F.S.
- d. Ensure that only the PII necessary for the service being provided will be disclosed to the third party; and
- e. Prohibit disclosure or re-disclosure of student PII unless the disclosure is authorized by FERPA, the disclosure is authorized by the School’s directory information policy, and the disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the

PII would be disclosed to, how it would be used, and whether re-disclosure is permitted.

**6. Parental Notification and Consent.** Parents must be notified in writing if student PII will be collected by an online educational service, including what PII will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any. This notification should be sent to parents at the beginning of the school year, or before students utilizing the online educational service if it is implemented after the start of the school year. If during the review process or at any time thereafter it is determined that an online educational service will share or sell student PII for commercial purposes, school personnel shall be strictly prohibited from allowing students to utilize the online educational service in any school activity without having first obtained written parental consent.

**7. Notification.** For any online educational service that a student is required to use, the School will provide notice on its website of the PII information that may be collected, how it will be used, when it will be destroyed, and the terms of re-disclosure, if any. This notice will also include a link to the online educational service's terms of service and privacy policy, if publicly available. For online educational services that students and parents are referred to as part of a school activity or function, but are not required to use, the School must provide notice to parents and eligible students if such online services have not been reviewed and approved in accordance with this Policy.