

Sample Language for Communicating with the School Board

Dear School Board,

As a school district, we are responsible for the safety and welfare of our students, this includes keeping our students safe online. In California, we have 4 laws that we need to pay close attention to and develop our method by which we will comply. For effective compliance, we must first understand the laws that govern us specifically.

The *Federal Educational Rights and Privacy Act - FERPA*, enacted in 1974, protects student education records and discusses the School Official exception that allows school districts to share student data for specific purposes to those with legitimate educational interests, allowing us to employ the services of our vendor partners.

Children under the age of 13 are some of the most vulnerable users of websites and online services, including mobile applications. The *Children's Online Privacy Protection Act - COPPA*, enacted in 1998, was put in place to govern how website operators and online service providers collect, use and disclose the personal information of children under the age of 13.

In 2014 our laws here in California began to shift to more directly correlate to how school districts are operating. *AB1584*, which adds to the existing *Education Code 49073.1*, considers the management of pupil records, third-party contracts, digital storage services, and the digital education software that we utilize in our K12 environment. Most importantly, this law constitutes that school districts enter into contracts with vendor partners around these very specific terms.

Targeted Advertising has become something plaguing our students as they attempt to use online resources as learning tools. In 2015, the California legislature passed *AB1177* also known as *Student Online Personal Information and Protection Act - SOPIPA*, which adds onto the existing *Business and Professions Code Chapter 22 § 22584*; SOPIPA specifically prohibits a provider from using the student data for targeted marketing or advertising.

The introduction of additional California laws around student data privacy since 2014, calls for school districts to implement a procedure by which we can vet and approve the applications and programs being used within the district. The procurement of an actual contract, or data privacy agreement, as called for in *AB1584* is crucial to our compliance. For these reasons, we implore the board to review and adopt the proposed plan for application and program vetting. We ask that as a first step in gaining compliance, the board review and adopt a standard data privacy agreement that we can use with all of our vendors.