



**COLORADO**

Department of Education

# Colorado's New Data Privacy Law

## *Student Data Transparency and Security*

Superintendent Meetings 2016

# Summary of Colorado's Student Data Transparency and Security Act

- Colorado's new data privacy law was signed in to law in June, 2016. This law adds to existing laws pertaining to the collection, management, storage and sharing of Student Personally Identifiable Information (Student PII). It adopts additional duties that a variety of education stakeholder groups must comply with, including BOCES and Districts.
- The purpose of this law is to increase transparency and security of all Student PII that CDE and Local Education Providers (LEPs) collect and maintain. It also imposes duties on commercial vendors used by school districts and BOCES.
- New provisions require all education providers to implement new privacy and security policies, enhance their agreements covering 3<sup>rd</sup> party data sharing, and provide additional training to staff about data management and handling.



# Overview

- New Colorado state law is broken into key sections:
  - Vendor Requirements
  - State Board of Education/CDE Requirements
  - Local Education Agencies/Boards of Education
  - Parent Rights
- CDE's approach given that no funding was provided by the Legislature:
  - Prioritizing support that districts need
  - Collaborating with Local Education Providers (LEPs)



# Collaboration Opportunities



# Timeline for Compliance

- **August 10, 2016** – LEPs must update any contracts with Contract Providers entered into or renewed after this date.
- **March 1, 2017** – CDE must provide LEPs with a sample Student Information Privacy and Protection Policy.
- **December 31, 2017** - Each LEP shall adopt a Student Information Privacy and Protection Policy.
- **July 1, 2018** - Each LEP that is a Small Rural School District shall adopt a Student Information Privacy and Protection Policy. (The additional time for Small Rural Districts to comply with the law only pertains to the Privacy Policy.)
- All other requirements in the law have no specified due date.



# Service and On-Demand Providers

- Contracts with Service Providers entered into or renewed after August 10, 2016, must include requirements to comply with the law.
- If the contract provider commits a material breach, the LEP shall determine whether to terminate the contract in accordance with a policy adopted by the LEP's governing body.
- If a parent has evidence that an On-Demand Provider does not comply with its privacy policy or the law, the parent may provide that evidence to the LEP.
- If a LEP has evidence that an On-Demand Provider does not comply, the LEP is strongly encouraged to cease using or refuse to use the On-Demand Provider.



# Privacy and Protection Policy

- LEPs shall adopt a Student Information Privacy and Protection Policy that contains a number of important privacy aspects including security breach procedures, data retention and destruction requirements, and other best practices.
- A LEP that is a Small Rural School District has additional time to comply with this specific obligation.
  - A Small Rural School District is defined as a school district that the department identifies as rural, based on the geographic size of the school district and the distance of the school district from the nearest large, urbanized area, and that enrolls fewer than one thousand students in kindergarten through twelfth grade.
- Each LEP shall provide copies of the Student Information Privacy and Protection Policy to parents and shall post the policy on its website.



# Transparency Requirements

Post clear information explaining the data elements of Student Personally Identifiable Information (PII) collected and maintained and an explanation of how the PII is used and shared.

Post a list of the School Service Contract Providers used and a copy of each contract.

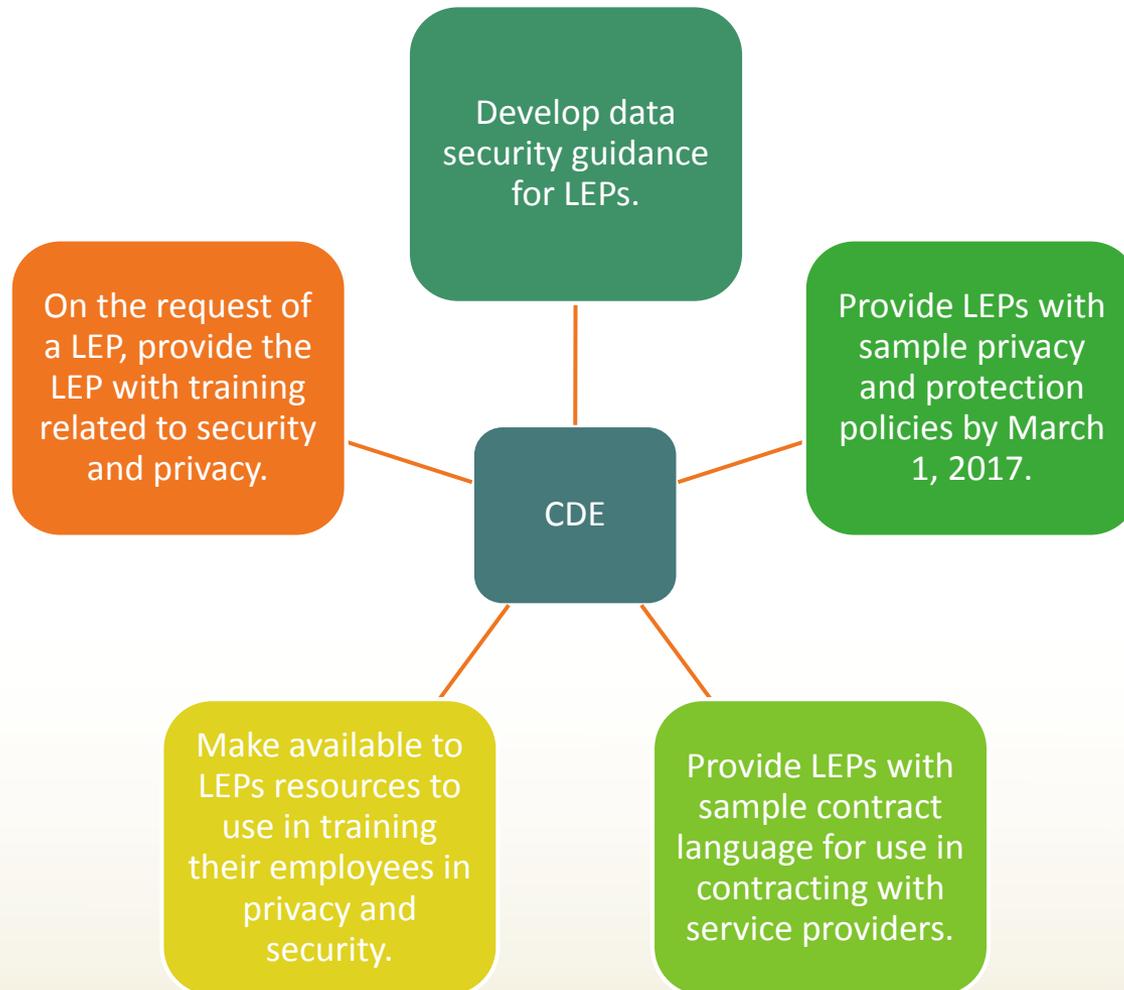
Post a list of the On-Demand Providers that the LEP or an employee of the LEP uses or On-Demand Providers that it has ceased or refuses to use.

# Parental Rights and Complaints

- The parent of a student enrolled by a LEP has the right:
  - To inspect and review his or her child's Student PII.
  - To request from the LEP a paper or electronic copy of his or her child's Student PII.
  - To request corrections to factually inaccurate Student PII maintained by a LEP.
- The governing board of the LEP must have a policy for receiving complaints from parents, holding a hearing to discuss, and requiring action to be taken within sixty days after the hearing.



# CDE Support for Districts



# Other Support for Districts

- CDE is coordinating with a number of non-profits and organizations to provide LEPs with as much assistance as possible.
  - CASB will provide materials to their members to support compliance with the law.
    - They plan to focus on sample policy drafting, including those policies that are required for the local boards to implement to address parent complaints and vendor breaches.
    - CASB will be releasing a high-level analysis of the law to its members shortly.
  - Stay tuned for more...



# Contact Marcia Bohannon or Jill Stacey with Suggestions and Questions



The law can be accessed here:

[www.cde.state.co.us/dataprivacyandsecurity/crs22-16-101](http://www.cde.state.co.us/dataprivacyandsecurity/crs22-16-101)



[Bohannon\\_m@cde.state.co.us](mailto:Bohannon_m@cde.state.co.us) 303-866-6175



Or



[Stacey\\_j@cde.state.co.us](mailto:Stacey_j@cde.state.co.us) 303-866-6395



Resources and other materials:

[www.cde.state.co.us/dataprivacyandsecurity](http://www.cde.state.co.us/dataprivacyandsecurity)

