

September 12, 2018

SENT BY ELECTRONIC AND U.S. MAIL

Dr. Edward J. Condon
Superintendent of Schools
River Forest Public School District 90
7776 Lake Street
River Forest, Illinois 60305

RE: Instructional Technology/Student Data Privacy Resource Guide

Dear Dr. Condon:

Per your request, I am writing to offer our opinion regarding District 90's compliance with student data privacy laws, specifically those governing the collection, maintenance and disclosure of student data.

As you know, our firm assisted District 90 in developing the Instructional Technology/Student Data Privacy Resource Guide ("Resource Guide") in August 2016. At your request, we have reviewed the Resource Guide for compliance and consistency with current federal and State laws and Board policies. As part of this review, we revised the Resource Guide to include a section on the Illinois *Student Online Personal Protection Act* (105 ILCS 85/1 *et seq.*), which protects the privacy and security of student data when collected by educational technology companies operating online websites, online services, or online/mobile applications.

We also compared the language in the Resource Guide with the current provisions relative to student data privacy set forth in the following: the *Children's Internet Protection Act*, 47 U.S.C. §254(h), (i); 47 C.F.R. §54.520; the *Children's Online Privacy and Protection Act*, 15 U.S.C. §§6501-6505; 16 C.F.R. Part 312; the *Every Student Succeeds Act*, P.L. 114-95, December 10, 2015, 129 Stat 1802; the *Federal Educational Rights and Privacy Act*, 20 U.S.C. §1232g; 34 C.F.R. Part 99; the *Health Insurance Portability and Accountability Act*, Pub. L. 104-191; 45 C.F.R. Parts 160, 164; the *Protection of Pupil Rights Amendment*, 20 U.S.C. §1232h; 34 C.F.R. Part 98; the *Children's Privacy Protection and Parental Empowerment Act*, 325 ILCS 17/1 *et seq.*; the *Illinois School Student Records Act*, 105 ILCS 10/1 *et seq.*; 23 Ill. Admin. Code Part 375; the *Illinois Mental Health and Developmental Disabilities Confidentiality Act*, 740 ILCS 110/1 *et seq.*; the *Illinois Local Records Act*, 50 ILCS 205/1 *et seq.*, 44 Ill. Admin. Code Part 4500; the *Illinois Right to Privacy in the School Setting Act*, 105 ILCS 75/1 *et seq.*; and the *Illinois Personal Information Protection Act*, 815 ILCS 530/1 *et seq.*

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Additionally, we reviewed applicable Board policies and the corresponding references to such Board policies in the Resource Guide to ensure compliance with these federal and State laws. Those Board policies include:

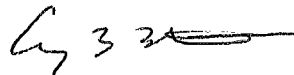
- Policy 6:40 *Curriculum Development*
- Policy 6:210 *Instructional Materials*
- Policy 6:220 *Instructional Materials Selection and Adoption*
- Policy 6:235 *Computer Network and Internet Safety, Access and Use*
- Policy 6:236 *District Web Publications – Students and Staff*
- Policy 7:15 *Student and Family Privacy Rights*
- Policy 7:17 *Directory Information*
- Policy 7:140 *Search and Seizure*
- Policy 7:310 *Restrictions on Publications*
- Policy 7:340 *Student Records*

It is our opinion that, as of August 2018, the Resource Guide and referenced Board policies comply with the State and federal statutes and their implementing rules/regulations cited above.

Please do not hesitate to contact me if you have any additional questions regarding student data privacy issues.

Very truly yours,

ENGLER CALLAWAY BAASTEN & SRAGA, LLC



CYNTHIA M. BAASTEN