

D90 Annual Compliance Report: Student Data Privacy

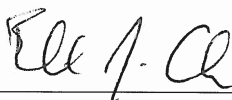
April 4, 2017

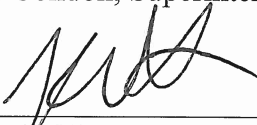
As we near the end of the school year, the District is pleased to report that the new procedures that were established this year to safeguard student data privacy have initially proven effective. The launch of the new D90 “Instructional Technology/Student Data Privacy Resource Guide” was both successful and generally well received by families. Initially, it was challenging to secure all of the required consent forms (Authorization for Electronic Network Access/Use Form) from families, but we were able to do so within the first couple of weeks of school. This spring, the process will be streamlined by requiring families to provide electronic authorization during the online registration process instead of collecting paper copies.

The District has also been conducting an ongoing electronic inventory of platforms, systems, software and applications in use during the course of the 2016-17 school year. In partnership with Educational Frameworks, this process has required the individual assessment of 476 tools, with 17 reviews still in process. Similarly, the District has been involved in the task of negotiating terms of service with a number of essential providers, including Brightbytes, School Messenger, Schoology, and others. Though this work has been time-consuming, it remains essential in ensuring that we meet our obligations to students and families in protecting their rights and interests in the realms of student data privacy, data deletion, data security, data integrity, and data retention.

In addition, all of our District 90 student data privacy-related policies were updated before the start of school and are currently in compliance with state and federal laws. Please see the attached document from the Board attorney indicating our current compliance status. After annual revisions are made to our guiding documents this summer, we will request an additional review from the Board attorney to ensure ongoing compliance in case any relevant legislation has been enacted over the last year.

Two objectives for the upcoming school year include the development and implementation of a data security breach response plan, and the empowerment of our recently established Technology Committee to provide oversight to implement additional safeguards, as determined necessary.

Submitted: 
Ed Condon, Superintendent


Kevin Martin, Director of Technology

August 31, 2016

SENT ELECTRONICALLY AND BY MAIL

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

RE: Student Data Privacy

Dear Dr. Condon:

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

As you may recall, we reviewed and revised the Board policies that are relevant to student data privacy in February and April, 2016, when we began drafting District 90's Instructional Technology/Student Data Privacy Resource Guide. The following Board policies were reviewed and updated at that time:

Policy 6:210 *Instructional Materials*
Policy 6:235 *Computer Network and Internet Safety, Access and Use*
Policy 7:15 *Student and Family Privacy Rights*
Policy 7:17 *Directory Information*
Policy 7:340 *Student Records*

We also reviewed other Board policies that could have application to student data, including: Policy 6:40, *Curriculum Development*; Policy 6:220, *Instructional Materials Selection and Adoption*; Policy 6:236, *District Web Publications – Students and Staff*; Policy 7:140, *Search and Seizure*; and Policy 7:310, *Restrictions on Publications*. All of these Board policies were reviewed in the context of compliance with the various federal and State laws, and their respecting implementing rules and regulations, governing the confidentiality of student information – in particular, electronic data. We analyzed the laws and the language in the Board policies throughout the development and finalization of District 90's Instructional Technology/Student Data Privacy Resource Guide.

Dr. Edward J. Condon
August 31, 2016
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It is our opinion that, as of July 2016, the Board policies referenced above comply with the provisions relative to student data privacy set forth in 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 *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.*

It was a pleasure working with you on this project and we look forward to continuing to assist District 90 on student data privacy issues going forward.

Very truly yours,

ENGLER CALLAWAY BAASTEN & SRAGA, LLC



CYNTHIA M. BAASTEN

cc: Teri E. Engler, Esq.