

**POLICY TITLE:** ~~School Attendance and Habitual Truancy~~ Student Data Privacy and Security

**POLICY NO:**  
**51922**  
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The efficient collection, analysis, and storage of student information is essential to improve the education of our students. As the use of student data has increased and technology has advanced, the need to exercise care in the handling of confidential student information has intensified. The privacy of students and the use of confidential student information is protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014 (Idaho Data Accountability Act).

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Student information is compiled and used to evaluate and improve Idaho's educational system and improve transitions from high school to postsecondary education or the workforce. The Data Management Council (DMC) was established by the Idaho State Board of Education to make recommendations on the proper collection, protection, storage and use of confidential student information stored within the Statewide Longitudinal Data System (SLDS). The DMC includes representatives from K-12, higher education institutions and the Department of Labor.1

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This model policy is required by the Idaho Data Accountability Act. In order to ensure the proper protection of confidential student information, each school district and public charter school shall adopt, implement and electronically post this policy. It is intended to provide guidance regarding the collection, access, security and use of education data to protect student privacy. This policy is consistent with the DMC's policies regarding the access, security and use of data maintained within the SLDS.2 Violation of the Idaho Data Accountability Act may result in civil penalties.

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### Defined Terms

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**Administrative Security** consists of policies, procedures, and personnel controls including security policies, training, and audits, technical training, supervision, separation of duties, rotation of duties, recruiting and termination procedures, user access control, background checks, performance evaluations, and disaster recovery, contingency, and emergency plans. These measures ensure that authorized users know and understand how to properly use the system in order to maintain security of data.

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**Aggregate Data** is collected or reported at a group, cohort or institutional level and does not contain PII.

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**Data Breach** is the unauthorized acquisition of PII.

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**Logical Security** consists of software safeguards for an organization's systems, including user identification and password access, authenticating, access rights and authority levels. These measures ensure that only authorized users are able to perform actions or access information in a network or a workstation.

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## **SECTION 500: STUDENTS**

40L-09L-05L-D2/42/98-M404940

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Personally Identifiable Information (PII) includes: a student's name; the name of a student's family; the student's address; the students' social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student's date of birth, place of birth or mother's maiden name; and other 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.

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Physical Security describes security measures designed to deny unauthorized access to facilities or equipment.

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Student Data means data collected at the student level and included in a student's educational records.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

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### Collection

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School districts and public charter schools shall follow applicable state and federal laws related to student privacy in the collection of student data.

### Access

- Unless prohibited by law or court order, school districts and public charter schools shall provide parents, legal guardians, or eligible students, as applicable, the ability to review their child's educational records.
- The Superintendent, administrator, or designee, is responsible for granting, removing, and reviewing user access to student data. An annual review of existing access shall be performed.
- Access to PII maintained by the school district or public charter school shall be restricted to: (1) the authorized staff of the school district or public charter school who require access to perform their assigned duties; and (2) authorized employees of the State Board of Education and the State Department of Education who require access to perform their assigned duties; and (3) vendors who require access to perform their assigned duties.

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### Security

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- School districts and public charter schools shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure.
- School districts and public charter schools shall immediately notify the Executive Director of the Idaho State Board of Education and the State Superintendent of Public Instruction in the case of a confirmed Data Breach or confirmed Unauthorized Data

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- Disclosure. School districts and public charter schools shall notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure.

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Use

- Publicly released reports shall not include PII and shall use Aggregate Data in such a manner that re-identification of individual students is not possible.
- School district or public charter school contracts with outside vendors involving student data, which govern databases, online services, assessments, special education or instructional supports, shall include the following provisions which are intended to safeguard student privacy and the security of the data:
  - Requirement that the vendor agree to comply with all applicable state and federal law;
  - Requirement that the vendor have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure;
  - Requirement that the vendor restrict access to PII to the authorized staff of the vendor who require such access to perform their assigned duties;
  - Prohibition against the vendor's secondary use of PII including sales, marketing or advertising;
  - Requirement for data destruction and an associated timeframe; and
  - Penalties for non-compliance with the above provisions.

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- School districts and public charter schools shall clearly define what data is determined to be directory information.

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- If a school district or public charter school chooses to publish directory information which includes PII, parents must be notified annually in writing and given an opportunity to opt out of the directory. If a parent does not opt out, the release of the information as part of the directory is not a Data Breach or Unauthorized Data Disclosure.

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~~The board of trustees of this district recognizes that, because time on task is very important to the education of students, it is necessary to establish and enforce attendance requirements. Students are required to be in attendance at school at least ninety percent (90%) of the time that school is in session during each school term. In enforcing the attendance requirements, the board may deny a promotion to the next grade or deny credit to any student who is not in school at least ninety percent (90%) of the days that school is in session. If a student is determined to be a habitual truant, the board may expel or disenroll the student.~~

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**CALCULATING ATTENDANCE**

~~Absence from class for any reason, including family convenience and school approved activities, will be counted when the percentage of attendance and consequent eligibility for promotion or credit is being considered. Except in extraordinary circumstances, students are expected to be present at school and in their assigned grade or subject.~~

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~~Extraordinary circumstances may include, but are not limited to, verified illness or medical treatment, death in the family or death of close friends, and medical or dental professional appointments.~~

~~The school will provide written notice of absences to the student's parent/guardian not less than quarterly, and more frequently if the student's attendance drops below ninety-five percent (95%) and/or the student is at risk of losing credit or promotion, or of being expelled due to habitual truancy.~~

### ~~DENIAL OF PROMOTION OR CREDIT~~

~~Students not meeting the ninety percent (90%) attendance requirements will not receive credit or be promoted even though they may have passing grades. The parent/guardian who has valid reasons to believe that all or part of the absences are the result of extraordinary circumstances may file a written request for review by the building attendance committee. Such request must be made within five (5) days of receiving notice of the denial. The building attendance committee will review the records and the circumstances and determine whether or not the student will receive credit or be promoted. The attendance committee will consist of the building principal, school counselor, and three (3) teachers designated by the principal.~~

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~~The decision of the attendance committee may be appealed to the superintendent. This appeal must be submitted to the superintendent within ten (10) days after the attendance committee submits its decision. The superintendent will render a decision on the appeal within ten (10) days after receiving the appeal.~~

~~The decision of the superintendent may be appealed to the board for a final decision. The appeal must be filed with the superintendent's office within ten (10) days after the superintendent notifies the parent/guardian of his or her decision. The board will address the appeal in executive session. The parent/guardian will have an opportunity to appear before the board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be denied credit or promotion. The parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses. Upon reviewing the decision of the attendance committee and superintendent, and the basis for the appeal by the parent/guardian, the board will uphold or overturn the superintendent's decision, issuing a written decision within ten (10) days. ~~The board's decision will be final.~~~~

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~~The student will be allowed to continue to attend classes pending the board's determination in this matter.~~

### ~~HABITUAL TRUANT DEFINED~~

~~A habitual truant means any student who, in the judgment of the board, or the board's designee, repeatedly has violated this attendance policy, or any child whose parent or guardian has failed or refused to cause the pupil to be instructed as provided by Idaho Code Section 33-202.~~

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~~If the student does not meet the ninety percent (90%) attendance requirements of this policy and one-half (1/2) or more of all such absences are unexcused, he or she is a habitual truant. Students are truant if their absence from school is unexcused. Unexcused absences are those absences from school without the knowledge and approval of a student's parent/guardian, and/or school approved activity absences. In order for an absence to be excused, oral or written communication from the student's parent/guardian must be received within forty-eight (48) hours of the last day of the absence, except for school approved activity absences.~~

### ~~EXPULSION FOR HABITUAL TRUANCY~~

~~Pursuant to Idaho Code Section 33-205, the board may expel a student because he or she is a habitual truant, as defined in this policy. The procedure for expulsion is set forth in Policy 544 (Student Expulsion/Denial of Enrollment). The student will be allowed to continue to attend classes pending the board's determination in this matter.~~

### ~~DISENROLLMENT FOR HABITUAL TRUANCY~~

~~The board may disenroll a student who is determined to be a habitual truant, pursuant to the following process:~~

- ~~1. The building administrator will submit a written notice of recommendation for a finding of habitual truancy to the superintendent or his/her designee.~~
- ~~2. The student will be allowed to continue to attend classes pending the board's determination in this matter.~~
- ~~3. A copy of the notice of recommendation, and notice of the opportunity for an informal hearing before the board, will be provided to the student's parent/guardian.~~
- ~~4. The parent/guardian will have an opportunity to appear before the board for an informal hearing. The parent/guardian will be given an opportunity to present written or oral information as to why the student should not be disenrolled for habitual truancy. The parent/guardian does not have the right to be represented by an attorney, present evidence, or cross-examine witnesses.~~
- ~~5. The board will determine whether the student is a habitual truant and should be disenrolled and issue a written decision within ten (10) days. The board's decision is final. If the board determines that the student should be disenrolled, the notice will specify that the student will be disenrolled from school effective the date of the board's determination.~~
- ~~6. The parent/guardian may re-enroll the student at any time and forms for re-enrolling the student will accompany the notice sent to the parent/guardian.~~

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**NOTICE TO PROSECUTING ATTORNEY**

A habitually truant student who was between the ages of seven (7) and sixteen (16) years of age at the time of the violation(s) comes under the purview of the Juvenile Corrections Act.

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If the board determined that a student is a habitual truant, whether or not the student is expelled or disenrolled, the board, or its designee, will notify the prosecuting attorney, in writing, in the student's county of residence, pursuant to Idaho Code Section 33-207.



**LEGAL REFERENCE RESOURCES:**

- FERPA: <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31-subchapIII-part4-sec1232g.pdf>
- Electronic Code of Federal Regulations pertaining to FERPA: 34 CFR Part 99  
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=div5&view=text&node=34:1.1.1.1.33&idno=34>
- U.S. Department of Education, Family Policy Compliance Office  
<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

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~~Idaho Code Sections  
33-202  
33-206  
33-207  
33-506(1)~~

**ADOPTED:** 09/16/2014

**AMENDED:**

*\*Language in text set forth in italics is optional.*

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