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3 **STUDENTS**

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6 Pupil Online Personal Information Protection

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8 Compliance

9 The School District will comply with the Montana Pupil Online Personal Information Protection
10 Act. The School District shall execute written agreements with operators who provide online
11 applications for students and employees in the school district. The School District will execute
12 written agreements with third parties who provide digital educational software or services,
13 including cloud-based services, for the digital storage, management, and retrieval of pupil
14 records. The written agreements will require operators and third parties to the School District for
15 K-12 purposes or the delivery of student or educational services to comply with Montana and
16 federal law regarding protected student information. All pupil records accessed by the operator
17 or third party during the term of the agreement or delivery of service to the application will
18 continue to be the property of and under the control of the school district.

19
20 Operators of Online Applications

21 Operators providing online applications to the School District shall not target advertising to
22 students, sell student information, or otherwise misuse student information. Operators shall not
23 use information to amass a profile about a pupil, except in furtherance of K-12 school
24 purposes. Operators shall not sell a pupil's information, including protected information unless
25 authorized by law. Operators shall not disclose protected information unless the disclosure is
26 made in accordance with School District policy, state or federal law, or with parent consent.
27 Operators shall implement and maintain reasonable security procedures and practices appropriate
28 to the nature of the protected information and safeguard that information from unauthorized
29 access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected
30 information if the school or district requests the deletion of data under the control of the school
31 or district.

32
33 Third Parties Providing Software and Services

34 Third parties providing digital education software and services to the School District shall certify
35 that pupil records will not be retained or available to the third party upon completion of the terms
36 of the agreement. Furthermore, third parties shall not use any information in pupil records for
37 any purpose other than those required or specifically permitted by the agreement with the
38 operator. Third parties shall not use personally identifiable information in pupil records to
39 engage in targeted advertising.

40
41 Third parties providing digital education software and services to the School District shall
42 provide a description of the means by which pupils may retain possession and control of their
43 own pupil-generated content. Third parties shall provide a description of the procedures by
44 which a parent, legal guardian, or eligible pupil may review personally identifiable information
45 in the pupil's records and correct erroneous information. Third parties shall provide a description
46 of the actions the third party will take, including the designation and training of responsible

individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18 years of age or older in the event of an unauthorized disclosure of the pupil's records;

Failure to Comply and Legal Review

An operator's or third party's failure to honor the law, agreement or School District policy will result in termination of services. The School District will report any operator who fails to honor the law to the appropriate authorities for criminal prosecution.

All contracts and agreements executed under this agreement will be reviewed by the School District's legal counsel.

Cross Reference: Policy 3600 – Student Records
Policy 3650F- Model Agreement

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
Montana Pupil Online Personal Information Protection Act, Title 20, chapter 7, part 13, MCA

Policy History:

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Reviewed on:

Revised on: