

Office of Strategic Planning & Initiatives
Ms. Tiffanie A. Pauline, Chief Strategy Officer

SUBJECT: REQUEST AUTHORIZATION FOR THE SUPERINTENDENT TO ENGAGE, NEGOTIATE, AMEND, FINALIZE AND EXECUTE A DATA SHARING AGREEMENT IN ORDER TO SHARE STUDENT DATA BETWEEN THE DISTRICT AND AN AUTHORIZED THIRD PARTY CONTRACTED BY A CHARTER SCHOOL IN ADHERENCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

COMMITTEE: PERSONNEL, STUDENT, SCHOOL AND COMMUNITY SUPPORT

LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES

In order to facilitate the sharing of student data with charter schools, this item will authorize the Superintendent to negotiate a data sharing agreement (“agreement”) between the District, and charter school contracted third-party provider (“provider”) that will be developing and maintaining an application that manages or hosts student information for the charter school.

The agreement will ensure that it adheres to the Family Educational Rights and Privacy Act (FERPA) in order to protect the privacy of student information. To comply with the requirements under FERPA and other data privacy best practices, the agreement shall include provisions for defining what information will be shared with the provider, and security of the data collected.

Under this agreement, there will be assurances built in that ensure the following:

- All student records are kept secured. This will be addressed through a security system of checks and controls that ensure data security and confidentiality.
- Student records will only be released with the consent of the guardian/parent and/or student if the student is over 18 years old. This must include information about the data being shared with the provider and how it is being used.
- Inclusion of a clause that indicates that all student information shared with the third party and its providers is deemed confidential and shall not be released or disclosed in any form or manner unless authorized by the charter school.
- Student data shared through this agreement is only used and maintained for the charter school to perform its duties and responsibilities.
- Ensuring that neither the provider nor the school makes any changes to the term of the agreement without prior notification to the District.
- Inclusion of a hold harmless and indemnification clause to insulate the Board from any potential liability.
- Agreement that the provider will protect the confidential information it receives, and that all transmittal of data is secured.
- The requirement that the provider must have cyber liability insurance coverage to protect the District from any potential data breach and any other cyber security issues.

Amendments will be made to charter contracts as necessary to assure compliance with this Item, amendment(s) that are not specified in this approval will be brought to the Board pursuant to the amendment process in Policy 9800.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to negotiate, amend, finalize and execute any documentation necessary to enter into an agreement in order to share student data between the District, and an authorized third party contracted by a charter school in adherence with the Family Educational Rights and Privacy Act (FERPA).

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