



Student Data Privacy Act Non-Compliance Reporting Procedure

This regulation is designed to be consistent with the general purpose and principles outlined in the [Privacy and Protection of Confidential Student Information Policy](#), as well as consistent with federal and state statutes, and local ordinances. As required by the [Student Data Transparency and Security Act](#), this regulation outlines the procedures for reporting a material breach of student personally identifiable information.

Employee Reporting

Employee concerns about a possible security breach shall be reported immediately to the American Academy Executive Director of Schools (EDS). If the EDS is the person alleged to be responsible for the security breach, the staff member shall report the concern to the American Academy Board of Directors.

When American Academy ("the school") determines that a school service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student personally identifiable information (or "student PII"), the school shall follow the below process for addressing the material breach. Employees who disclose student education records in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment.

Parent/Guardian Reporting Procedure

In accordance with the accompanying policy, the parent/guardian of an American Academy student may file a written complaint with the EDS if the parent/guardian believes the school has failed to comply with the Student Data Transparency and Security Act (the Act).

- 1) The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the school has violated and its impact on his or her child.
- 2) The EDS or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.
- 3) Within 10 calendar days of receipt of the school's response, the parent/guardian may appeal to the Board of Directors. Such appeal must be in writing and submitted to the Board of Directors.
- 4) The Board shall review the parent's complaint and the school's response at a regular or special meeting. A school representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.
- 5) The Board shall make a determination regarding the parent/guardian's complaint that the school failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final.
- 6) This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the school shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Board policy.

School Service Contract Provider Privacy Breach Review

Within a reasonable amount of time after the school determines that a school service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student PII, the EDS shall make a decision regarding whether to terminate the school's contract with the school service contract provider in accordance with the following procedure.

- 1) The Executive Director, or its designee, shall notify the school service contract provider of the basis for its determination that the school service contract provider has committed a material breach of the contract and shall inform the school service contract provider of the meeting date that the EDS and Board of Directors plan to discuss the material breach.
- 2) Prior to the Board meeting, the school service contract provider may submit a written response to the school regarding the material breach.
- 3) The Board shall discuss the nature of the material breach at a regular or special meeting.
- 4) At the Board meeting, the Executive Director, or its designee, shall first be entitled to present testimony or other evidence regarding the school's findings of a material breach. The school service contract provider shall then have an opportunity to respond by presenting testimony or other evidence. If the school service contract provider is unable to attend the meeting, the Board shall consider any written response that the school service contract provider submitted to the school.
- 5) If members of the public wish to speak to the Board regarding the material breach, they shall be allowed to do so, in accordance with the Board's policy on public participation at Board meetings.

- 6) The Board shall decide whether to terminate the contract with the school service contract provider within 30 days of the Board meeting and shall notify the school service contract provider of its decision. The Board's decision shall be final.
- 7) Nothing in this policy or its accompanying regulation shall prohibit or restrict the school from terminating its contract with the school service contract provider, as deemed appropriate by the school and in accordance with the contract and the Act.

Governing Law and Board Policy

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in this regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

LEGAL REFS.: 15 U.S.C. 6501 et seq. (Children's Online Privacy Protection Act)
20 U.S.C. 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. 1232h (Protection of Pupil Rights Amendment)
20 U.S.C. 1415 (IDEIA procedural safeguards, including parent right to access student records)
20 U.S.C. 8025 (access to student information by military recruiters)
34 C.F.R. 99.1 et seq. (FERPA regulations)
34 C.F.R. 300.610 et seq. (IDEIA regulations concerning confidentiality of student education records)
C.R.S. [19-1-303](#) and 304 (records and information sharing under Colorado Children's Code)
C.R.S. [22-1-123](#) (district shall comply with FERPA and federal law on protection of pupil rights)
C.R.S. [22-16-101](#) et seq. (Student Data Transparency and Security Act)