



## Data Governance Plan

### I. Purpose

Data governance is an organizational approach to data and information management that is formalized as a set of policies and procedures that encompass the full life cycle of data; from acquisition, to use, to disposal. Valley Academy Charter School (VAC) takes seriously its moral and legal responsibility to protect student privacy and ensure data security, Utah's Student Data Protection Act (SDPA), U.C.A §53E-9-303 requires that Valley Academy adopt a Data Governance Plan.

### II. Scope and Applicability

This plan is applicable to all employees, temporary employees, and contractors of VAC. The plan must be used to assess agreements made to disclose data to third-parties. This plan must also be used to assess the risk of conducting business. In accordance with Valley Academy's policies and procedures, this plan will be reviewed and adjusted on a regular basis, as needed. This plan is designed to ensure disclosure of confidential information only consistent with the law.

### III. Plan

The following 5 subsections provide data governance plans and processes for Valley Academy 1) Data Security and Privacy Training for Employees, 2) Data Disclosure, 3) Record Retention and Expungement, 4) Data Quality, and 5) Transparency.

- a. The Valley Academy Data Governance Plan includes the following:
  - i. Requires data stewards to manage confidential information appropriately and in accordance with all legal mandates, Utah State Board administrative rules, and school policies and procedures.
  - ii. Complies with all legal, regulatory, and contractual obligations regarding privacy of VAC data.
  - iii. Where such requirements exceed the specific stipulation of this plan, the legal, regulatory, or contractual obligation shall take precedence.
  - iv. Ensures that all Valley Academy School employees comply with the policy and undergo annual security training.
  - v. Provides policies and processes for maintaining industry standard information and physical security safeguards to protect student data.
- b. The Valley Academy School Data Governance Plan also contains a Data Breach Response Plan which:

- i. Defines the goals and the vision for the breach response process and
- ii. Explains to whom it applies and under what circumstances.
- c. Notification and Actions in Case of Breach
  - i. If there is a release of a student's personally identifiable student data due to a security breach, the school employee who discovers the breach shall respond as soon as possible (no more than 8 hours) by notifying the VAC Director and IT supervisor.
  - ii. The Director or designee shall notify:
    - 1. The USBE IT Section
    - 2. The student, if the student is an adult student;
    - 3. The student's parent/legal guardian, if the student is a minor and/or
    - 4. Multiple parents and students, if the data breach compromises data from more than one student.
  - iii. The Director or designee shall document the nature of the breach and the notification.
  - iv. VAC will review its IT systems and school security policies to determine what changes are necessary to provide greater security for VAC-protected data.
- d. An emphasis on Valley Academy's established culture of openness, trust and integrity.

#### **IV. Privacy Training for Employees**

- a. Valley Academy will provide a range of training opportunities for all VAC employees with access to student educational data or confidential educator records in order to minimize the risk of human error and misuse of information.
- b. All employees will be required to participate in privacy training as part of the VAC annual compliance training. Completion of Valley Academy's compliance training is a condition of employment.

#### **V. Data Disclosure**

- a. VAC defines student directory information as:
  - i. Student name
  - ii. Student parent's/guardian's name
  - iii. Student's home address
  - iv. Student's parent's/guardian's contact information
  - v. Student's grade level
  - vi. Student's official school photo
- b. Consistent with 34 CFR Part 99, VAC may disclose directory information about students upon request.
- c. Parent/guardian will have the opportunity at the beginning of each school year to state in writing that VAC will not disclose a parent's student's directory information to anyone who is not a school official.
- d. Providing data to persons and entities outside of the Valley Academy increases transparency, promotes education in Utah, and increases knowledge about Utah public education.
- e. This plan establishes the protocols and procedures for sharing data maintained by Valley Academy. It is intended to be consistent with the disclosure provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, 34 CFR Part 99 and

Utah's Student Data Protection Act (SDPA), U.C.A §53E-9-3.

- f. Parental Access to Educational Records In accordance with FERPA regulations 20 U.S.C. §1232g (a)(1) (A) (B) (C) and (D), VAC will provide parents or eligible students access to education records (excluding information on other students, the financial records of parents, and confidential letters of recommendation if the student has waived the right to access), within 45 days of receiving an official request.
- g. Valley Academy is not required to provide data that it does not maintain, nor is Valley Academy required to create education records in response to a request.
- h. Third Party Vendors:
  - i. Third party vendors may have access to students' personally identifiable information if the vendor is designated as a "school official" as defined in FERPA, 34 CFR SS 99.31(a)(1) and 99.7(a)(3)(iii).
  - ii. All third-party vendors contracting with Valley Academy must be compliant with Utah's Student Data Protection Act (SDPA), U.C.A §53E-9-3.
  - iii. Vendors determined not to be compliant may not be allowed to enter into future contracts with Valley Academy without third-party verification that they are compliant with federal and state law, and Board rule.
- i. Governmental Agency Requests:
  - i. Valley Academy may not disclose students' personally identifiable information to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program reporting requirement, audit, or evaluation.
  - ii. The requesting governmental agency must provide evidence of the agency's compliance with federal and state requirements to share data without prior written parental/eligible student consent.
- j. External disclosure of Non-Personally Identifiable Information (PII)
  - i. Valley Academy recognizes good research as a building block for understanding and improving education.
  - ii. Priority is given to projects that yield useful products or data for our schools that align with VAC programs, goals, and mission, or are not intrusive or interrupt classroom/school activities.
  - iii. No access to data will be granted for research purposes that do not meet the above criteria.
  - iv. The Director has full discretion in the evaluation of research proposals
  - v. General directions for external data requests:
    - 1. a completed application must include the following items: a copy of the research proposal, a copy of all interview protocols, surveys, questionnaires, observation guides, and copies of all disclosures and consent forms;
    - 2. a copy of the IRB approval (or documentation that IRB approval is pending); and
    - 3. copies of the vitas or resumes of investigator(s).

## **VI. Reporting requirements, Audits, and Evaluation**

- a. The VAC Director or designee will ensure proper data disclosure avoidance.
- b. An Interagency Agreement must be reviewed by legal staff and must include "FERPA-student level data protection standard terms and conditions" or required attachment language.

**VII. Record Retention and Expungement**

- a. VAC shall retain student records, consistent with the State Archives' model retention schedule for public schools/LEAs.
- b. Upon request of the eligible student and in accordance with U.C.A §53E-9-1407, Valley Academy may:
  - i. expunge a VAC student's specific data in the VAC active database if the student is at least 18 years old.
  - ii. expunge medical records and behavioral test assessments in the active database when they are no longer needed.
- c. Valley Academy will not expunge student records of grades, transcripts, a record of the student's enrollment, assessment information or backup archives where data is compressed and highly intertwined in such a way that separation is impracticable.

**VIII. Data Quality**

- a. Data quality is achieved when information is valid for the use to which it is applied, is consistent with other reported data and users of the data have confidence in and rely upon it.
- b. Good data quality does not solely exist with the data itself, but is also a function of appropriate data interpretation and use and the perceived quality of the data. Thus, true data quality involves not just those auditing, cleaning and reporting the data, but also data consumers.
- c. Data Collection: when possible and to avoid data duplication, student data is collected and retained at the lowest level available.

**IX. Transparency**

- a. Annually, Valley Academy will publicly post the Valley Academy data collections Metadata Dictionary as described in Utah's Student Data Protection Act (SDPA), U.C.A §53E-9-301(11)
- b. Metadata Dictionary--VAC shares personally identifiable student information with the following:
  - i. Utah State Board of Education (USBE). This sharing may be done through state ran software such as Aspire, Qualtrics, Powerschool, Data Gateway, or another program that follows Utah state law compliance.
  - ii. United States Department of Education (USDE) for receipt of funding from Title I, Title II, Title III, Title IV, and Title IX programs.
  - iii. United State Department of Agriculture (USDA) for receipt of the National School Lunch Program (NSLP).