# Data Governance Plan

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**Purpose:** The purpose of this policy is to formalize a set of policies and procedures that encompass the full life cycle of data, from acquisition, to use, to disposal. WSU Charter Academy takes seriously its responsibility to protect student privacy and ensure data security. Utah’s Student Data Protection Act (SDPA), U.C.A. §53E, Chapter 9, Part 3, requires that the WSU Charter Academy adopt a Data Governance Plan. Adoption of this policy satisfies that requirement.

**Policy & Procedures:** 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. The WSU Charter Academy takes seriously its responsibility to protect student privacy and ensure data security by:

* Improving reporting strategies and access to data in order to facilitate decision making.
* Standardizing and clarify data definitions with the goal of improving the consistency, uniformity and accuracy of institutional data.
* Ensuring data are captured accurately and consistently from a variety of sources, and to create data policies that ensure confidentiality, minimize risk, and maximize access.

## Scope and Applicability

This policy is applicable to all employees, temporary employees, and contractors of the WSU Charter Academy. The policy must be used to assess agreements made to disclose data to third-parties. This policy must also be used to assess the risk of conducting business. In accordance with WSU Charter Academy policy and procedures, this policy will be reviewed and adjusted on an annual basis or more frequently, as needed. This policy is designed to ensure only authorized disclosure of confidential information. The following 7 subsections provide data governance policies and processes:

1. Scope and Applicability
2. Organization and Roles
3. Parent and Student Rights
4. Collection of Data
5. Maintenance and Protection of Data
6. Data Disclosures
7. Record Retention and Expungement
8. Data Breach Response and Notification
9. Technical Assistance, Training, and Support
10. Data Quality, Auditing, Transparency

## 2. Organization and Roles

The WSU Charter Academy shall appoint a Data Manager and an IT Security Manager, who shall fulfill the roles described in Table 1. The WSU Charter Academy Board of Directors will oversee compliance with the data governance plan, assess risks, and seek recommendations for controls and other policies related to data governance. Data governance, security, and privacy are ultimately the responsibility of all employees of the WSU Charter Academy, including educators, who will follow this data governance plan per the guidance and training they receive from the Data Manager.

Furthermore, this Data Governance Plan works in conjunction with the WSU Charter Academy Information Security Policy, which:

* Designates Weber State University as the steward for all confidential information maintained within the Weber State University Charter Academy.
* Designates Data Stewards access for all confidential information.
* Requires Data Stewards to maintain a record of all confidential information that they are responsible for.
* Requires Data Stewards to manage confidential information according to this policy and all other applicable policies, standards and plans.
* Complies with all legal, regulatory, and contractual obligations regarding privacy of Agency data. Where such requirements exceed the specific stipulation of this policy, the legal, regulatory, or contractual obligation shall take precedence.
* Provides the authority to design, implement, and maintain privacy procedures meeting WSU Charter Academy standards concerning the privacy of data in motion, at rest and processed by related information systems.
* Ensures that all WSU Charter Academy board members, employees, contractors, and volunteers comply with the policy and undergo annual privacy training.
* Provides policies and process for
  + Systems administration,
  + Network security,
  + Application security,
  + Endpoint, server, and device Security
  + Identity, authentication, and access management
  + Data protection and cryptography
  + Monitoring, vulnerability, and patch management
  + High availability, disaster recovery, and physical protection
  + Incident Responses
  + Acquisition and asset management, and
  + Policy, audit, e-discovery, and training.

### Table 1. Data Governance Roles and Responsibilities

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| **Role** | **Responsibilities** |
| **Student Data Manager** | 1. Act as the primary point of contact for state student data security administration 2. Authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity 3. Act as the primary local point of contact for the state student data officer. 4. Share personally identifiable student data that are:  * of a student with the student and the student's parent * required by state or federal law * in an aggregate form with appropriate data redaction techniques applied * for a school official * for an authorized caseworker or other representative of the Department of Human Services or the Juvenile Court * in response to a subpoena issued by a court. * directory information * submitted data requests from external researchers or evaluators  1. May not share personally identifiable student data for the purpose of external research or evaluation unless legal guardians have signed appropriate IRB approved consent forms. 2. Create and maintain a list of all WSU Charter Academy staff that have access to personally identifiable student data. 3. Ensure annual level training on data privacy to all staff members. Document all staff names, roles, and training dates, times, locations, and agendas (See Appendix A). |
| **IT Systems Security** | 1. Ensures compliance with security systems laws throughout the public education system, including: 2. providing training and support to employees; and 3. producing resource materials, model plans, and model forms for systems security; 4. Investigates complaints of alleged violations of systems breaches. |
| **Educators** | Teachers and all staff members will receive Privacy and Security materials and training annually and will adhere to the requirements. |

## 3. Parent and Student Rights

**3.1 Definition of parent**. A parent is defined as the biological parent, a legal guardian, or an individual in charge of the day-to-day care of the student. In cases where biological parents are separated or divorced, both parents shall have these rights unless there is a court order, state statute, or legally binding document that has revoked these rights to one or both of the parents.

**3.2 Right to access**. Per FERPA, parents of students who are minors (have not turned 18 yet) shall be given access to the student’s data. In general, this access will be given via the WSU Charter Academy’s student information system (SIS). Other requests will be granted within a reasonable period, but in no case greater than 45 days after the request was made.

**3.3 Right to seek to amend**. In 34 CFR §99, Subpart C, FERPA describes a parent’s right to seek to amend any educational record they believe is inaccurate, misleading, or in violation of the student’s right to privacy. The WSU Charter Academy shall then decide whether to amend the record within a reasonable amount of time. If the WSU Charter Academy decides not to amend the record, the parent will be informed of their right to a hearing. The hearing will only be held at the parent’s request, and the format of the hearing will be determined on a case-by-case basis. Should the hearing determine that the record should not be amended, the WSU Charter Academy will inform the parent of the right to place a statement in the record commenting on the contested information. This statement will be maintained by the WSU Charter Academy and be included in any disclosures related to the record.

**3.4 Right to consent to disclose.** A parent may submit written consent to disclose information from a student’s education record to any individual or entity. The requirements for these disclosures are found in Section 6.1 of this plan.

## 4. Collection of Data

**4.1 Prohibited collections**. Per UCA §53E-9-305(2), the WSU Charter Academy will not collect a student’s social security number or, except as required in UCA §78A-6-112(3), criminal record.

**4.2 Collections only permitted with prior parental consent.** 4.2.1 Utah FERPA Per UCA §53E-9-203, the WSU Charter Academy will prohibit the administration of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation that has the purpose or evident intended effect to have a child reveal any of the following personal information about themselves or concerning a family member’s unless written parental consent is received:

* Political affiliations or, as provided by UCA §53G-10-202 or USBE Board Rule, political p*hil*osophies
* Mental or psychological problems
* Sexual behavior, orientation, or attitudes
* Illegal, anti-social, self-incriminating, or demeaning behavior
* Critical appraisals of individuals with whom the student or family member has close family relationships
* Religious affiliations or beliefs
* Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers
* And income, except as required by law
* Written parental consent will only be valid if a parent or legal guardian has been given two weeks prior notice, including a copy of the questions in the case of the survey that includes:
* Which records or information are to be examined
* The means by which they will be examined
* The means by which the information will be obtained
* The purpose for which the records or information are needed
* The entities or persons who will have access to the records
* The method by which a parent or student may access the records

If a school employee believes that collecting any of this information is necessary to respond to an emergency, then the employee may collect the information in accordance with the WSU Charter Academy’s Incident Response Plan.

**4.2.2 Optional data**. In addition, the WSU Charter Academy shall annually designate all information not necessary for day-to-day school functions as “optional” data. Per U.C.A §53E-9-301(16), optional student data includes information that is

* Related to an IEP or needed to provide special needs services
* Biometric information, which means a retina or iris scan, fingerprint, human biological sample, or scan of hand or face geometry
* Any data not designated as necessary student data
* Optional data will only be collected with prior parental consent.

**4.3 Parental notification.** Per U.C.A §53E-9-305(2), the WSU Charter Academy shall annually prepare and distribute to parents and students a collection notice statement that is a prominent, stand-alone document that:

* Is annually updated and published on the WSU Charter Academy’s website.
* States the necessary and optional data that the WSU Charter Academy collects
* States that the WSU Charter Academy shall not collect of the prohibited data in Section 4.1 States the data that the school may not share without written parental consent
* Includes the statement “The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.”
* Describes in general terms how the WSU Charter Academy will store and protect the data
* States a student’s rights to the data.

## 5. Maintenance and Protection of Data

**5.1 Best practices.** The WSU Charter Academy shall use reasonable data industry best practices to maintain and protect student data and other education-related data, including teacher and employee data. Should the WSU Charter Academy contract with a third-party provider to collect, maintain, and have access to student data, the WSU Charter Academy shall ensure that the contract with the provider

includes a provision that the data are the property of the student and that the data will not be redisclosed with the student’s consent. The WSU Charter Academy will ultimately monitor and maintain control of the data. All data will be maintained in accordance with the WSU Charter Academy Information Technology Systems Security Plan, as described in USBE Board Rule R277-487-2(11).

**5.2 Employee expectations and assurances**. Per USBE Board Rule R277-487-3, all employees, aides, and volunteers of the WSU Charter Academy shall maintain appropriate confidentiality pursuant to federal, state, local laws, and this and other WSU Charter Academy policies with regard to student performance data and personally identifiable student information.

An employee, aide, or volunteer may not share, disclose, or disseminate passwords that are used to access student performance data or any personally identifiable student information per USBE Board Rule R277-487-3(17).

WSU Charter Academy employees may only access student records pursuant to a legitimate educational purpose and consistent with their educator obligations under USBE Board Rule R277-515.

All WSU Charter Academy employees that have access to confidential data shall receive an annual training regarding data governance and student data privacy requirements as described in Section 9.1. School employees shall annually submit a certified statement to the WSU Charter Academy data manager upon completion of this training.

The WSU Charter Academy may use a nondisclosure agreement (NDA) or other methods to ensure that all WSU Charter Academy employees meet these expectations. Licensed educators in violation of this NDA, this data governance plan, or USBE Board Rule R277-487 may be subject to disciplinary action by the WSU Charter Academy or by the Utah State Board of Education.

## 6. Data Disclosures

All disclosures of student data must be done in accordance with the Family Educational Rights and Privacy Act (FERPA) and the Utah Student Data Protection Act.

**6.1 Written parental consent**. Data may be disclosed to any party and in any case where the parent provides written parental consent. Per U.C.A §34 CFR 99.30, this consent must

* Specify the records that may be disclosed
* State the purpose of the disclosure
* Identify the party or class of parties to whom the disclosure will be made

Parents may request that a copy of disclosed records be shared with them. An electronic signature that identifies and authenticates the individual and their approval meets the requirement of written parental consent within 45 days of receiving an official request. WSU Charter Academy is not required to provide data that it does not maintain, nor to create education records in response to an eligible student's request.

Thirty days prior to reporting information to the state related to the Utah Registry of Autism and

Developmental Disabilities WSUCA shall provide notice to the parent of each child for which the state board intends to share student data. The state board may not, for a particular child, share this student data if the child’s parent requests that the state board not share the student data.

**6.2 Exceptions where written parental consent is not required**. FERPA in 20 USC §1232g and 34 CFR §99.31 and the Utah Student Data Protection Act provide for several cases where the WSU Charter Academy may disclose education records without prior written parental consent. Each exception specifies a different entity that may receive education records and what assurances and restrictions must be followed. These can be found in more detail in Table 2.

**6.2.1 External Research Review Process**. All external research requests must be submitted to the WSU Charter Academy external research review process to determine whether the research is for or on the WSU Charter Academy’s behalf and whether it meets the requirements of FERPA found in 34 CFR §99.31(6). The WSU Charter Academy will then determine if the data may be shared with personally identifiable information, de-identified information, aggregated data, or not at all.

**6.2.2 Third-party contractors.** The WSU Charter Academy may contract services to third parties using the School Official exception in FERPA. When contracting with any third party, except for cases of general audience websites or where parental consent is obtained, the contract will specify the following:

* Requirements and restrictions related to the collection, use, storage, or sharing of student data by the contractor that are necessary for the education entity to ensure compliance
* A description of a person, or type of person, including an affiliate of the third-party con tractor, with whom the third-party contractor may share student data
* Provisions that govern the deletion of the student data by the contractor
* Provisions that prohibit the re-disclosure of the data
* A right-to-audit clause

6.2.3 **School Officials.** The WSU Charter Academy is authorized by and associated with Weber State University. The association gives the Charter Academy a wealth of expertise to draw from that is unique. The Charter Academy uses WSU faculty, administrators, and students to perform institutional services and functions including volunteer duties, consultation and oversight. The Charter Academy considers these persons “school officials” with whom education records may be shared without consent as allowed by 34 CFR 99.31(a). The Charter Academy uses reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

**6.4 Recordation**. All data disclosures will be recorded on the student’s record per FERPA’s recordation requirements found in 34 CFR §99.32. All third parties that receive data will be entered into the WSU Charter Academy’s Metadata Dictionary. A link to the Metadata Dictionary will be available on the WSU Charter Academy’s website.

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| **EXCEPTION** | **WHO** | **ASSURANCES** | **REDISCLOSURE RESTRICTIONS** |
| Accreditation | Appropriate parties in connection with an emergency | Data may be shared as needed for the organization to carry out its accrediting functions. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Audit/Evaluation | An alternative school-related intervention run by the Department of Juvenile Justice Services per UCA 53G-8-211 | Written agreement that specifies   * who the authorized representative is * the data to be shared requirements to destroy the data once no longer needed * the time period to destroy the data * policies and procedures to ensure confidentiality and privacy. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Caseworkers | Teachers and contractors, consultants, volunteers that perform a service or function for which the WSU Charter Academy would use its employees | Caseworker must have a legal right to access the data, and the student must be under the care and protection of the caseworker per Utah law. | The Student Data Protection Act allows re-disclosures to other caseworkers in order to improve educational out comes for youth. |
| Child Nutrition Data | Individuals who need to know in connection to sex offenders or other individuals required to register under the Violent Crime Control and Law Enforcement Act | The National School Lunch Program has higher restrictions on child nutrition program data. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Dependent Student | Officials of another school that the student is attending or seeks to enroll | Per WSU Charter Academy policy to deter mine the student is a dependent | None |
| Directory Information | Researchers working for or on the behalf of the WSU Charter Academy to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction | WSU Charter Academy must annually notify parents of their directory information policy. Parents must be given a reason able amount of time to opt out. | None |
| Financial Aid | Individuals or agencies who need the student information to deter mine the eligibility, amount, and conditions of financial aid OR to enforce the terms and conditions of financial aid | None | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Health or Safety Emergency | Appropriate parties in connection with an emergency | WSU Charter Academy must determine that there is a WSU Charter Academy and articulable threat. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Juvenile Justice | An alternative school-related intervention run by the Department of Juvenile Justice Services per UCA 53G-8-211 | Student must be "prior to adjudication" | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| School Official | Teachers and contractors; consultants; volunteers; and WSU faculty, administrators, and students that perform a service or function for which the WSU Charter Academy would use its employees | Must be under direct control of the WSU Charter Academy, as defined by contract, NDA, physical or technical controls, or other agreement specified by the WSU Charter Academy | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Sex Offenders | Individuals who need to know in connection to sex offenders or other individuals required to register under the Violent Crime Control and Law Enforcement Act | None | None |
| Student Transfer | Officials of another school that the student is attending or seeks to enroll | WSU Charter Academy must make a reasonable effort to notify the parent of the disclosure. This may be done in the WSU Charter Academy’s annual FERPA notice. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Studies | Researchers working for or on the behalf of the WSU Charter Academy to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction | Written agreement that specifies   * purpose, scope, and duration of the studies that the data may only be used for the study * restrictions on personal identification of the data * a requirement to destroy the data at the end of the study. | No re-disclosures without parent or student permission or in response to a judicial order/subpoena |
| Subpoena/Judicial Order | Any judicial or legislative authority that issues a subpoena or judicial order | Parents must be notified of the subpoena/judicial order and given enough time to seek protective action. | None per FERPA. Utah’s Student Data Protection Act, however, restricts the re-disclosure for any purposes outside the subpoena/judicial order |

## 7. Record Retention and Expungement

**7.1 Retention.** Records retention and expungement policies promote efficient management of records, preservation of records of enduring value, quality access to public information, and data privacy. WSU Charter Academy staff shall retain and dispose of student records in accordance with GRAMA, U.C.A. §63G-2-604, and the Student Data Protection Act, U.C.A. §53E-9-306, and shall comply with active retention schedules for student records per Utah Division of Archive and Record Services.

**7.2 Expungement.** Per U.C.A. §53E-9-306, the WSU Charter Academy shall follow Board Rule regarding the categorization, maintenance, and expungement of student disciplinary records, medical records, and behavioral test records. In order to ensure maximum student data privacy, the WSU

Charter Academy shall also delete student data once administrative need has ended and in accordance with active records retention schedules and USBE Board Rule regarding the timeline and process for a prior student to request that records be expunged.

**7.2.1 Records that may not be expunged.** Per U.C.A. §53E-9-306, the following records may not be expunged:

* Grades
* Transcripts
* A record of the student’s enrollment
* Assessment information

## 8. Response and Notification

**8.1 Response.** The WSU Charter Academy shall follow industry best practices to protect information and data. In the event of a data breach or inadvertent disclosure of personally identifiable information, the WSU Charter Academy staff shall follow industry best practices outlined in the Agency IT Security Policy for responding to the breach.

Concerns about data breaches must be reported immediately to the IT security manager who will collaborate with appropriate members of the administration to determine whether a security breach has occurred. If the WSU Charter Academy determines that one or more employees or contracted partners have substantially failed to comply with The WSU Charter Academy’s Agency IT Security Policy and relevant privacy policies, they will identify appropriate consequences, which may include termination of employ meant or a contract and further legal action. Concerns about security breaches that involve the IT Security Manager must be reported immediately to the Principal or Department Chair of Child and Family Studies.

**8.2 Notification**. The WSU Charter Academy shall follow best practices for notifying affected parties, including parents or legal guardians. The WSU Charter Academy shall always notify the parent (we serve only kindergarten children) in the case of a significant data breach, as defined by Board Rule.

## 9. Training, Technical Assistance, and Support

**9.1 Training**. The Student Data Manager shall ensure that all employees, staff, and volunteers receive an annual training on data security and data privacy per U.C.A. §53E-9-204. The Data Manager shall maintain a list of employees who have completed the training and provide a certified statement, signed by the employees, that verifies their completion. Employees who have not received this training will not be given access to student data.

Furthermore, the WSU Charter Academy will provide training opportunities for all staff, including volunteers, contractors, and temporary employees with access to student educational data or confidential educator records in order to minimize the risk of human error and misuse of information. The WSU Charter Academy may arrange for the State Student Data Privacy Trainer to provide trainings or training materials.

**9.2 Technical assistance and support.** The Student Data Manager will provide technical assistance and support to educators, staff, employees, and volunteers as needed.

## 10. Data Quality, Auditing, and Transparency

**10.1 Data quality**. The Student Data Manager, IT Security Manager, and any other WSU Charter Academy employees as designated under the direction of the Board of Directors shall perform regular and ad hoc data auditing for quality assurance. Data sets and reports will be reviewed for reliability, validity, and presentation before they are disclosed.

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. Good data quality is a function of appropriate data interpretation and use and the perceived quality of the data involving those auditing, cleaning and reporting the data, and data consumers. Data quality at is addressed in five areas:

**a. Data Governance Structure.** The WSU Charter Academy data governance policy is structured to encourage the effective and appropriate use of educational data. The WSU Charter Academy data governance structure centers on the idea that data is the responsibility of all WSU Charter Academy sections and that data informed decision making is the goal of all data collection, storage, reporting and analysis. Data informed decision making guides what data is collected, reported and analyzed.

**b. Data Requirements and Definitions.** Clear and consistent data requirements and definitions are necessary for good data quality. WSU Charter Academy may report formative data to support strategic planning at monthly public board meetings, staff and subcommittee meetings to inform decision making. The annual report is provided to the WSU Board of Trustees and made publicly available on the websites. On the data reporting side, the production and presentation layers provide standard data definitions and business rules. All data released includes relevant data definitions, business rules, and are date stamped. Further, Data and Statistics produces documentation, trainings and FAQs on key statistics and reports, such as AYP, graduation rate and class size

**c. Aggregate Data.** Data that is reported at the cohort, group, school, school district, region or state level with at least ten individuals. Reporting cannot reveal personal identifiable child data and is collected in accordance with board rule (Appendix B).

**d. Education Entity.** An education entity can include the board, a local school board, a charter school governing board, a school district, a charter school, the Utah Schools for the Deaf and the Blind or for purposes of implementing the School Readiness Initiative.

**e. Data Breach.** Unauthorized release or access to personally identifiable child data that has been maintained by an education entity.

**10.1.1 Necessary Student Data.** Data that is required by state statute or federal law to conduct regular activities of an education entity. This information includes:

a. name;

b. date of birth;

c. sex;

d. parent contact information;

e. custodial parent information;

f. contact information;

g. a student identification number;

h. local, state, and national assessment results or an exception from taking a local, state or national assessment;

i. courses taken and completed, credits earned, and other transcript information;

j. course grade levels and grade point average;

k. grade level and expected graduation date or graduation cohort;

l. degree, diploma, credential attainment, and other school exit information;

m. attendance and mobility;

n. drop-out data;

o. immunization record or an exception from an immunization record;

p. race;

q. ethnicity;

r. tribal affiliation;

s. remediation efforts;

t. an exception from a vision screening required under Section 530-G-9-404

u. information related to the Utah Registry of Autism and Developmental Disabilities

v. student with injury information;

w. a disciplinary record created and maintained as described in Section 53E-9-306

x. juvenile delinquency records;

y. English language learner status; and

z. child find and special education evaluation data related to initiation of an IEP.

**\*** At least 30 days before reporting information to the state related to the Utah registry of Autism and Developmental Disabilities, WSUCA shall provide notice to the parent of each child for which the state board intends to share student data. The state board may not, for a particular child, share this student data if the student's parent requests that the state board not share the student data.

**10.2 Auditing and monitoring**

**10.2.1** Third party audits. As permitted by U.C.A. §53E-9-309(2), the WSU Charter Academy shall seek evidence of compliance, up to and including an audit by the WSU Charter Academy or a designee, to verify that all third parties contracted by the WSU Charter Academy are in compliance with Federal and State law, this data governance plan, and all terms of the contract.

**10.2.2** WSU Charter Academy audits and evidence of compliance. The WSU Charter Academy shall annually provide to the State Superintendent evidence of compliance with Federal and State data confidentiality and disclosure laws to be reviewed by USBE’s Chief Privacy Officer annually by October 1, per USBE Board Rule R277-487-3(13). The WSU Charter Academy shall furthermore coordinate with the USBE Student Data Privacy Auditor regarding ad hoc audits of the WSU Charter Academy compliance with Federal and State law and this data governance plan.

* **Transparency.** The WSU Charter Academy shall annually publish the following on its website:
* This data governance plan
* A URL link to the WSU Charter Academy Metadata Dictionary.