HARRISON CENTRAL SCHOOL DISTRICT
50 UNION AVENUE
HARRISON, NEW YORK 10528

(914) 630-3016
FAX# (914) 835-2715
seligmanb@harrisoncsd.org

LOUIS N. WOOL, Ed.D.
SUPERINTENDENT OF SCHOOLS

BRIAN SELIGMAN
DIRECTOR OF INFORMATION
SYSTEMS, DATA & TECHNOLOGY
CHIEF INFORMATION OFFICER

ADDENDUM AGREEMENT
GOVERNING DATA SHARING AND CONFIDENTIALITY
BETWEEN THE HARRISON CENTRAL SCHOOL DISTRICT AND
Delta Math
Including
Harrison Central School District's Bill of Rights for Data Privacy and Security
And
Supplemental Information pursuant to 8 NYCRR § 121.3(c)

1. <u>Confidential Information</u>. Third-party contractor understands that in performing its Original Agreement with the District, it may have access to confidential information in the possession of the District, including, but not limited to names, facts or information about individuals, businesses and families. For purposes of this Addendum and the Original Agreement, it is agreed that the definition of Confidential Information includes all documentary, electronic or oral information made known to third-party contractor through any activity related to the Original Agreement. Third-party contractor agrees it, its officers, employees and/or agents shall not reveal, publish, discuss, disclose or communicate the content of such Confidential Information, directly or indirectly to any third-party, except as explicitly provided for in this Addendum or the Original Agreement. Third-party contractor understands that any unauthorized disclosure, publication and/or communication of such Confidential Information shall be considered a breach of this Addendum and the Original Agreement. Third-party contractor agrees that if he/she/it receives a subpoena for divulgence of Confidential Information, he/she/it shall notify the District prior to divulging the same, unless expressly prohibited by law. The parties further agree that the terms and conditions set forth in this Confidentiality section and all of its subparts shall survive the expiration and/or termination of the Original Agreement. Without limiting any of the foregoing statements in this paragraph, third party contractor further agrees:

    a. To execute, comply with and incorporate as Appendix "A" to this Addendum, as required by New York State Education Law Section 2-d, the Parents' Bill of Rights for Data Privacy and Security ("Bill of Rights") developed by the District and the supplemental information to the Bill of Rights as contained in Appendix "A" hereto.

2. <u>Confidentiality Training</u>. Third-party contractor acknowledges that federal and state laws protect the confidentiality of personally identifiable information of the District's students as well as its staff. Third-party contractor represents and warrants that any officers, employees or agents of third-party contractor, who will have access to personally identifiable student information or other confidential information of the District, has received or will receive training on the federal and state laws governing confidentiality of such data prior to obtaining access or any further access to such data.

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3. Third-party contractor hereby affirms that personally identifiable information as defined by Education Law Section 2-d shall not be sold or released or otherwise disclosed for any commercial or marketing purpose, as such sale or release or other disclosure is expressly prohibited by law.

4 Except as specifically amended herein, all of the terms contained in the Original Agreement are hereby ratified and confirmed in all respects and shall continue to apply with full force and effect.

5 The undersigned representative of third-party contractor hereby represents and warrants that the undersigned is the owner or an officer, director, or agent of third-party contractor with full legal rights, power and authority to enter into this Addendum on behalf of third-party contractor and to bind third-party contractor with respect to the obligations enforceable against third-party contractor in accordance with its terms.

THIRD-PARTY CONTRACTOR

THE HARRISON CENTRAL SCHOOL DISTRICT

Taylor Hersom
_____
Signature

Brian Seligman
_____
Signature

Taylor Hersom
_____
Print Name

Brian Seligman
_____
Print Name

Chief Information Security Officer
_____
Print title

Director of Technology, CIO
_____
Print title

_____
Social Security or Federal ID Number

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APPENDIX "A"
HARRISON CENTRAL SCHOOL DISTRICT
EDUCATION LAW § 2-D BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

The Harrison Central School District is committed to protecting the privacy and security of student data and classroom teacher and building principal data. In accordance with New York Education Law § 2-d and its implementing regulations, the District hereby informs the school community of the following:

1.   A student's personally identifiable ("PII") information, as defined by Education Law § 2-d and the Family Educational Rights and Privacy Act ("FERPA") cannot be sold or released for any commercial or marketing purpose. See 34 CFR § 99.3 for a complete definition of what constitutes PII under Education Law Section 2-d.

2.   Parents (including legal guardians or personal in parental relationships) have the right to inspect and review the complete contents of their child's education record. Further, Eligible Students (students who have reached 18 years of age or older) have the right to review the complete contents of their education records stored or maintained by the educational agency.

3.   State and federal laws and their implementing regulations (such as Education Law § 2-d, with regulations at 8 NYCRR Part 121, FERPA at 12 U.S.C. 1232g with regulations at 33 CFR Part 99 and the Individuals with Disabilities Education Act ["IDEA"] at 20 U.S.C. 1400 *et seq.*, with regulations at 34 CFR Part 300) protect the confidentiality of personally identifiable information.

4.   Safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when PII is stored or transferred.

5.   A complete list of all student data elements collected by the New York State Education Department is available at the following website: www.nysed.gov/data-privacy-security, or by writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234.

6.   Complaints by parents, eligible students, classroom teachers, building principals or other staff of the educational agency about possible breaches or improper disclosures of PII shall be addressed through the submission of written complaints. Complaints should be directed in writing to: Brian Seligman, Chief Information Officer/Data Protection Officer, at 50 Union Avenue, Harrison, N.Y. 10528.

        In addition, complaints may be directed to the Chief Privacy Officer of the New York State Education Department, by mail at 89 Washington Avenue, Albany, New York 12234; by email to privacy@nysed.gov; or by telephone at 518-474-0937.

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7.	Parents, eligible students, classroom teachers and building principals have the right to be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.

8.	School District employees and officers who have access to PII shall annually receive data privacy and security awareness training. Such training shall include training on state and federal laws that protect PII and how to comply with such laws, as well as applicable policies, and safeguards associated with industry standards and best practices.

9.	School District contracts with third-party contractors that receive PII will address statutory and regulatory data privacy and security requirements.