

# Making Waves Academy Digital Programs and Digital Privacy

Making Waves Academy (MWA) uses a variety of digital programs to support instruction and school operations. Such programs may use or host student data, including personally identifiable information and educational records. MWA wants to inform all families of:

- The laws protecting student data in digital programs
- The measures MWA is taking to protect student data in digital programs
- The digital programs that MWA is using

## Laws protecting student privacy online

### Summary - Know your rights!

- The Family Educational Rights and Privacy Act (FERPA) grants families the right to review their student's educational records at any time
- FERPA prevents MWA from sharing student educational records with third parties, unless they are a school official with legitimate educational interest, or other types of organizations explicitly listed in the regulation
- FERPA allows MWA to share student "directory information" (name, address, etc.) with third parties; however, it also allows families to ask MWA not to share directory information with third parties
- The Children's Online Privacy Protection Act (COPPA) protects children under the age of 13 by restricting what websites and digital products can do with children's data collected online, and requiring parent consent before collecting data from children online
- The Student Online PIPA prevents educational websites and digital products from using student data collected online for targeted advertising



### **FERPA**

Family Educational Rights and Privacy Act

### **Family Educational Rights and Privacy Act (FERPA)<sup>1</sup>**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. These rights transfer to the student when he or she reaches the age of

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<sup>1</sup> Source: [US Department of Education](https://www.ed.gov/privacy)

18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.



### **Children's Online Privacy Protection Rule ("COPPA")**

<sup>2</sup>Congress enacted the Children's Online Privacy Protection Act (COPPA) in 1998. COPPA required the Federal Trade Commission to issue and enforce regulations concerning children's online privacy. The Commission's original COPPA Rule became effective on April 21,

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<sup>2</sup> Source: [Federal Trade Commission](https://www.ftc.gov/privacy)

2000. The Commission issued an amended Rule on December 19, 2012. The amended Rule took effect on July 1, 2013.

The primary goal of COPPA is to place parents in control over what information is collected from their young children online. The Rule was designed to protect children under age 13 while accounting for the dynamic nature of the Internet. The Rule applies to operators of commercial websites and online services (including mobile apps) directed to children under 13 that collect, use, or disclose personal information from children, and operators of general audience websites or online services with actual knowledge that they are collecting, using, or disclosing personal information from children under 13. The Rule also applies to websites or online services that have actual knowledge that they are collecting personal information directly from users of another website or online service directed to children. Operators covered by the Rule must:

- Post a clear and comprehensive online privacy policy describing their information practices for personal information collected online from children;
- Provide direct notice to parents and obtain verifiable parental consent, with limited exceptions, before collecting personal information online from children;
- Give parents the choice of consenting to the operator's collection and internal use of a child's information, but prohibiting the operator from disclosing that information to third parties (unless disclosure is integral to the site or service, in which case, this must be made clear to parents);
- Provide parents access to their child's personal information to review and/or have the information deleted;
- Give parents the opportunity to prevent further use or online collection of a child's personal information;
- Maintain the confidentiality, security, and integrity of information they collect from children, including by taking reasonable steps to release such information only to parties capable of maintaining its confidentiality and security; and
- Retain personal information collected online from a child for only as long as is necessary to fulfill the purpose for which it was collected and delete the information using reasonable measures to protect against its unauthorized access or use.

The amended Rule defines personal information to include:

- First and last name;
- A home or other physical address including street name and name of a city or town;
- Online contact information;
- A screen or user name that functions as online contact information;
- A telephone number;
- A social security number;
- A persistent identifier that can be used to recognize a user over time and across different websites or online services;
- A photograph, video, or audio file, where such file contains a child's image or voice;
- Geolocation information sufficient to identify street name and name of a city or town; or
- Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described above.



**SOPIPA**  
Student Online Personal  
Information Protection Act

## **Student Online Personal Information Protection Act (SOPIPA)<sup>3</sup>**

Existing law, on and after January 1, 2015, prohibits an operator of an Internet Web site or online service from knowingly using, disclosing, compiling, or allowing a 3rd party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Existing law also makes this prohibition applicable to an advertising service that is notified by an operator of an Internet Web site, online service, online application, or mobile application that the site, service, or application is directed to a minor.

This bill would prohibit an operator of an Internet Web site, online service, online application, or mobile application from knowingly engaging in targeted advertising to students or their parents or legal guardians, using covered information to amass a profile about a K–12 student, selling a student’s information, or disclosing covered information, as provided. The bill would require an operator to implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information, to protect the information from unauthorized access, destruction, use, modification, or disclosure, and to delete a student’s covered information if the school or district requests deletion of data under the control of the school or district. The bill would authorize the disclosure of covered information of a student under specified circumstances. The bill’s provisions would become operative January 1, 2016.

### **How MWA is protecting student information online**

- MWA is part of the [California Student Privacy Association](#) (CSPA). This group provides a standard, attorney-general vetted, [privacy agreement](#). MWA asks all digital program providers that we work with to sign this agreement. By signing, providers commit to complying with all laws listed above, as well as to best practices in student data collection, storage and sharing. A list of providers who have signed this agreement with MWA can be found [here](#);
- In case a provider is unable to sign the CSPA agreement, MWA analyzes the provider’s digital privacy policies, using the [Model Terms of Service](#) from the Department of Education as a guideline. If significant risks are identified, MWA consults with education attorneys, and/or its Board of Directors before proceeding to use the provider;
- MWA requires all teachers to submit a request before creating accounts for students in any website or digital program. This allows the MWA leadership team to analyze the privacy risks, as described above;

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<sup>3</sup> Source: [California legislature information](#)

- MWA has cyber liability insurance, which covers any financial losses associated with a data breach by a digital program that we use.

## **Digital programs that MWA is using**

The list below contains the digital programs that MWA is using, its provider, which students it affects, its purpose, and a link to the provider's privacy policy.

By "MWA is using", we mean programs that MWA has a contract with, or programs in which students will have accounts (created centrally or by students themselves by request of a teacher or administrator).

The list does not contain websites that students may visit for educational purposes but that don't require them to create an account, and with whom MWA doesn't have a contract. For example, students may visit Wikipedia for research, but MWA doesn't have a contract with Wikipedia, and students don't need a Wikipedia account to use it - therefore, Wikipedia is not listed below.

Since all programs listed here are supporting the operations of MWA, we consider all of them school officials with legitimate educational interest, as defined by FERPA. We may, therefore, share student educational records with such programs, if required for the program to perform its function.

This list will continue to grow and change over time. Whenever a program is added, families will be notified by at least one of the following ways:

- A teacher will add the new program to the class syllabus and send the syllabus to families through the students
- An updated list will be sent to all families in the next family mailing
- An updated list will be posted to the MWA website and a notification will be sent to families in the next family mailing

The list below is divided in two categories:

- Student facing: these are programs that students will use directly; students will likely have an account and directly use these programs
- Admin only: these are programs used by teachers or administrators; students will not interact directly with these, but they may generate, host, or transfer student data

## Student facing

Program	Provider	Purpose	Students affected	Provider privacy policy
5 Star Students	<a href="#">5 Star Students</a>	Track student involvement in activities	All	<a href="https://www.5starstudents.com/privacy">https://www.5starstudents.com/privacy</a>
<a href="#">Accelerated Reader</a>	<a href="#">Renaissance Learning</a>	Reading support	All	<a href="https://www.renaissance.com/privacy-policy/">https://www.renaissance.com/privacy-policy/</a>
Achievement Network (Anet)	<a href="#">Achievement Network</a>	Assessment	Middle School students	<a href="https://www.achievementnetwork.org/privacy-policy/">https://www.achievementnetwork.org/privacy-policy/</a>
<a href="#">Adobe Spark</a>	Adobe	Create multimedia content	All	<a href="https://www.adobe.com/privacy/policy.html">https://www.adobe.com/privacy/policy.html</a>
Apex Learning	<a href="#">Apex Learning</a>	Credit recovery and selected courses in case of a teacher vacancy	Selected Upper School Students	<a href="https://www.apexlearning.com/privacy-policy">https://www.apexlearning.com/privacy-policy</a>
BrainPop	<a href="#">BrainPop</a>	Lesson creation and delivery	All	<a href="https://www.brainpop.com/about/privacy_policy/">https://www.brainpop.com/about/privacy_policy/</a>
<a href="#">Canvas</a>	<a href="#">Instructure</a>	Learning Management System	Upper School students	<a href="https://www.instructure.com/policies/privacy/">https://www.instructure.com/policies/privacy/</a>
<a href="#">Classflow</a>	<a href="#">Promethean</a>	Lesson creation and delivery	All	<a href="https://www.prometheanworld.com/legal/">https://www.prometheanworld.com/legal/</a>
Clever	<a href="#">Clever</a>	Student facing single sign-on	All	<a href="https://clever.com/about/privacy-policy">https://clever.com/about/privacy-policy</a>
College Board	<a href="#">College Board</a>	Manage student test scores (SAT, ACT)	Upper School students	<a href="https://www.collegeboard.org/privacy-policy/privacy-statement?navId=gf-pp&amp;navId=gf-pp">https://www.collegeboard.org/privacy-policy/privacy-statement?navId=gf-pp&amp;navId=gf-pp</a>
Common Sense Media	<a href="#">Common Sense Media</a>	Content about digital citizenship	All	<a href="https://www.commonensemedia.org/about-us/our-mission/privacy-policy">https://www.commonensemedia.org/about-us/our-mission/privacy-policy</a>
Encyclopedia Britannica	<a href="#">Britannica</a>	Support academic research	All	<a href="http://corporate.britannica.com/privacy.html">http://corporate.britannica.com/privacy.html</a>
Everfi	<a href="#">Everfi</a>	Digital citizenship course	All	<a href="https://everfi.com/privacy-policy/">https://everfi.com/privacy-policy/</a>
<a href="#">Flat</a>	Tutteo	Music software	Music students	<a href="https://flat.io/help/en/policies/#our-terms-and-policies">https://flat.io/help/en/policies/#our-terms-and-policies</a>

<a href="#">Google Apps for Education</a>	<a href="#">Google</a>	Organize and share work	All	<a href="https://edu.google.com/k-12-solutions/privacy-security/?modal_active=None">https://edu.google.com/k-12-solutions/privacy-security/?modal_active=None</a>
Khan Academy	<a href="#">Khan Academy</a>	Support curriculum	All	<a href="https://www.khanacademy.org/about/privacy-policy">https://www.khanacademy.org/about/privacy-policy</a>
<a href="#">Lexia PowerUp</a>	<a href="#">Lexia Learning</a>	Reading support	Selected Middle School students	<a href="https://www.lexialearning.com/website-privacy-policy">https://www.lexialearning.com/website-privacy-policy</a>
MDTP (Mathematics Diagnostic Testing Project)	<a href="#">UC San Diego</a>	Assessment	All	<a href="http://ucsd.edu/about/terms-of-use.html">http://ucsd.edu/about/terms-of-use.html</a>
<a href="#">Naviance</a>	<a href="#">Hobsons</a>	Track student progress to college	Upper School students	<a href="https://www.naviance.com/privacy">https://www.naviance.com/privacy</a>
Nearpod	<a href="#">Nearpod</a>	Lesson creation and delivery	All	<a href="https://nearpod.com/privacy-policy">https://nearpod.com/privacy-policy</a>
<a href="#">OpenUp Math Curriculum</a>	<a href="#">OpenUp Resources</a>	Math curriculum	Middle School students	
PBS Learning Media	<a href="#">PBS Learning Media</a>	Support academic research	All	<a href="https://ca.pbslearningmedia.org/help/privacy-policy/">https://ca.pbslearningmedia.org/help/privacy-policy/</a>
PowerMyLearning	<a href="#">PowerMyLearning</a>	Create and deliver content playlists	All	<a href="https://powermylearning.org/learn/privacy-policy/">https://powermylearning.org/learn/privacy-policy/</a>
PowerTeacher	<a href="#">PowerSchool</a>	Access and track attendance and grade data	All	<a href="https://www.powerschool.com/security/">https://www.powerschool.com/security/</a>
ProQuest	<a href="#">ProQuest</a>	Support academic research	All	<a href="https://www.proquest.com/about/privacy-home.html">https://www.proquest.com/about/privacy-home.html</a>
Scholastic	<a href="#">Scholastic</a>	Support academic research	All	<a href="http://www.scholastic.com/edtechprivacy.htm">http://www.scholastic.com/edtechprivacy.htm</a>
Soundtrap	<a href="#">Soundtrap</a>	Music software	Music students	<a href="https://www.soundtrap.com/legal/">https://www.soundtrap.com/legal/</a>
<a href="#">Springboard digital</a>	<a href="#">College Board</a>	Access Math and ELA textbooks	All	<a href="https://www.collegeboard.org/privacy-policy/privacy-statement?navId=gf-pp&amp;navId=gf-pp">https://www.collegeboard.org/privacy-policy/privacy-statement?navId=gf-pp&amp;navId=gf-pp</a>

<a href="#">ST Math</a>	<a href="#">Mind Research Institute</a>	Math support	Selected Middle School students	<a href="https://www.stmath.com/privacy-policy">https://www.stmath.com/privacy-policy</a>
<a href="#">STAR Reading</a>	<a href="#">Renaissance Learning</a>	Assessment	All	<a href="https://www.renaissance.com/privacy-policy/">https://www.renaissance.com/privacy-policy/</a>
TeachingBooks	<a href="#">Teaching Books</a>	Support academic research	All	<a href="https://www.teachingbooks.net/show.cgi?f=policies#Privacy_Policy">https://www.teachingbooks.net/show.cgi?f=policies#Privacy_Policy</a>
<a href="#">WeVideo</a>	WeVideo	Create videos	All	<a href="https://www.wevideo.com/privacy">https://www.wevideo.com/privacy</a>

### Admin only

Program	Provider	Purpose	Students affected	Provider privacy policy
<a href="#">California Immunization Registry</a>	California Department of Public Health	Track student's immunizations	All	<a href="http://cairweb.org/cair-disclosure-policy/">http://cairweb.org/cair-disclosure-policy/</a>
<a href="#">California Longitudinal Pupil Achievement Data System (CALPADS)</a>	California Department of Education	Report student data to the CA Dept of Education	All	<a href="https://www.cde.ca.gov/re/di/ws/privacypolicy.asp">https://www.cde.ca.gov/re/di/ws/privacypolicy.asp</a>
<a href="#">California Physical Fitness Test portal</a>	Sacramento County Office of Education	Track student's Physical Fitness Test data	All	
<a href="#">Clarity</a>	<a href="#">Brightbytes</a>	Manage technology initiatives	All	<a href="http://www.brightbytes.net/privacy-policy/">http://www.brightbytes.net/privacy-policy/</a>
Edclick	<a href="#">Edclick</a>	Manage student behavior	All	
FinalSite	<a href="#">FinalSite</a>	Maintain MWA Website	All	<a href="https://www.finalsite.com/privacy-policy">https://www.finalsite.com/privacy-policy</a>
Gaggle	<a href="#">Gaggle</a>	Content filter and monitoring	All	<a href="https://www.gaggle.net/student-data-privacy-notice/">https://www.gaggle.net/student-data-privacy-notice/</a>
Hapara	<a href="#">Hapara</a>	Chromebook monitoring	All	<a href="https://hapara.com/privacy-policy/">https://hapara.com/privacy-policy/</a>
Help Scout	<a href="#">Help Scout</a>	Manage IT and DNA help tickets	All	<a href="https://www.helpscout.net/company/legal/privacy/">https://www.helpscout.net/company/legal/privacy/</a>



<a href="#">Lea(r)n</a>	<a href="#">Lea(r)n Platform</a>	Manage technology initiatives	All	<a href="https://learnplatform.com/privacy-policy">https://learnplatform.com/privacy-policy</a>
<a href="#">Little SIS</a>	<a href="#">Amplified IT</a>	Create classes on Google Classroom	Middle School students	<a href="https://labs.amplifiedit.com/privacy/">https://labs.amplifiedit.com/privacy/</a>
<a href="#">MealTime mPower</a>	<a href="#">MealTime</a>	Track lunch applications and eligibility	All	
<a href="#">PowerSchool SIS</a>	<a href="#">PowerSchool</a>	Store student and staff data	All	<a href="https://www.powerschool.com/security/">https://www.powerschool.com/security/</a>
<a href="#">SARC Online</a>	California Department of Education	Create and submit SARC - School Accountability Report Card	All	<a href="https://www.cde.ca.gov/re/di/ws/privacypolicy.asp">https://www.cde.ca.gov/re/di/ws/privacypolicy.asp</a>
SchoolMessenger	<a href="#">School Messenger</a>	Send announcements	All	<a href="https://www.schoolmessenger.com/privacy-statement">https://www.schoolmessenger.com/privacy-statement</a>
Schoolzilla	<a href="#">Schoolzilla</a>	Data dashboards	All	<a href="https://app.schoolzilla.com/terms-privacy">https://app.schoolzilla.com/terms-privacy</a>
Securly	<a href="#">Securly</a>	Content filter and monitoring	All	<a href="https://www.securly.com/privacy">https://www.securly.com/privacy</a>
<a href="#">Shots for Schools</a>	California Department of Public Health	Report 7th grade student's Tdap immunization data	Current 7th graders	
<a href="#">Test Operations Management System (TOMS)</a>	California Department of Education and Educational Testing Services	Manage state required tests	All	<a href="http://www.ets.org/legal/privacy">http://www.ets.org/legal/privacy</a>
<a href="#">TipWebIT</a>	<a href="#">Hayes Software</a>	Manage Chromebook inventory	All	
<a href="#">WebGrant</a>	California Student Aid Commission	Submit GPAs for financial aid applications	Current graduating Upper School	<a href="https://www.csac.ca.gov/privacy.asp">https://www.csac.ca.gov/privacy.asp</a>