

RESOLUTION OF BOARD OF EDUCATION

WHEREAS, four (4) BOCES (Onondaga-Cortland-Madison BOCES, Albany-Schoharie-Schenectady-Saratoga BOCES, Madison-Oneida BOCES and Broome-Tioga BOCES) have collaborated and entered into an Article 5 General Municipal Law intermunicipal arrangement for the purpose of improving vendor management and data security and privacy practices for school districts and/or BOCES statewide known as the RIC ONE Risk Operations Center (the "ROC");

WHEREAS, the Board of Education of the _____, through its affiliation with a locally based Regional Information Center, participates with the ROC and desires, for the 2025-2026 fiscal year, to authorize the ROC to enter into Data Privacy Agreements and related exhibits (DPAs) with vendors and third-party contractors that include the requirements of, and compliance with, New York State Education Law Section 2-d and Part 121 Regulations (collectively, "Ed Law 2d") related to student personally identifiable information (PII) and certain Teacher and Principal APPR data;

WHEREAS, the ROC also partners with NYSED, the Access4Learning Student Data Privacy Consortium (SDPC) and The Education Cooperative (TEC), to negotiate and approve Ed Law 2-d compliant DPAs;

WHEREAS, the DPAs are presented to school districts and/or BOCES for final execution and do not require the expenditure of funds beyond those budgeted; and

BE IT RESOLVED, Board of Education of the _____ authorizes the attorneys designated by the ROC to negotiate and approve of DPAs for software and/or technology resources; and,

BE IT FURTHER RESOLVED, the _____ Board of Education grants the ROC and its designated attorneys the authority to negotiate the terms and conditions of DPAs and take such actions so as to effectuate the purposes and intent of this resolution.

CERTIFICATION

It is hereby certified that the above motion was approved by the
_____ Board of Education at its meeting, duly noticed, held on
_____.

Dated _____, 2025

Board Clerk

BENEFITS OF THE NEW DATA PRIVACY AGREEMENTS STRUCTURE

► COST-EFFECTIVE AND EFFICIENT DPA NEGOTIATION AND EXECUTION

Data Privacy Agreements (DPAs) are negotiated with greater efficiency. A centralized structure is used to negotiate agreements. These agreements include a piggybacking exhibit. As a result, once a NYS DPA is negotiated through the new centralized DPA structure and executed by one educational agency, other educational agencies can piggyback on that agreement.



ACCESS TO ALREADY NEGOTIATED DPAs

Currently, there are **DPAs FOR 800 PRODUCTS** that NYS educational agencies will be able to piggyback on as they are onboarded to the platform used to manage work flow associated with the structure.

► DPA OBLIGATIONS AWARENESS

As agreements negotiated through the new DPA structure include standard terms, over time, vendors and education stakeholders will benefit from increased awareness and understanding of DPA terms.

► REDUCED RISK RELATED TO ADOPTION OF NEW PRODUCTS

The Registry supports districts in quickly determining whether a DPA has been successfully negotiated that includes required state terms.

► SIMPLIFIES AND IMPROVES INCIDENT RESPONSE

The Registry supports efficient incident response, as there is access to information about product use and there are clear and consistent DPA terms related to breaches and incident response obligations. Standardization will also support vendor accountability and assist the NYSED CPO in managing enforcement cases.

► SUPPORTS PARENT AND COMMUNITY TRANSPARENCY AND COMMUNICATION

The Registry includes public-facing views that can be used to share information about resources used in a school district and the DPA terms in place to protect student data. To support DPA management and effective communication, educational agencies can also post information about traditional, also referred to as legacy, DPAs. These are agreements that are negotiated outside of the new structures using local negotiation practices and resources.

► STANDARDIZED DATA DESTRUCTION PROCESSES

The standardized DPA includes an optional form that educational agencies can use to communicate with vendors about data disposition needs. Additionally, there are standardized terms related to data destruction requirements.

► TRACKING CAPABILITIES RELATED TO EXPIRING AGREEMENTS

The Registry supports agencies in tracking the expiration of DPAs and service agreements. The system has functionality to remind agencies that DPAs require attention as the expiration date nears.

**1 DPA
NEGOTIATED**



**DISTRICTS
PIGGYBACK
ON DPA**



**STANDARD
TERMS**



**CENTRALIZED
NEGOTIATION
STRUCTURE**



**PIGGYBACKING
TERMS AND
WORK FLOW**



NEW YORK STATE REGIONAL INFORMATION CENTERS

RISK OPERATIONS CENTER (RIC ONE ROC)

NEW STRUCTURES TO SUPPORT NEEDS RELATED TO DATA PRIVACY AGREEMENTS

The 12 Regional Information Centers (RICs) have been working in partnership with NYSED to develop a new centralized and standardized structure to support districts in accessing Data Privacy Agreements (DPAs). Using this structure, educational agencies will be able to piggyback on existing DPAs with vendors that include terms to address the Family Education Rights and Privacy Act (FERPA), New York State Education Law Section 2-d (Ed Law 2-d), and other data privacy requirements. Additionally, agencies will be able to submit requests to the RICs to initiate the negotiation of new DPAs. To learn more about leveraging this new option, please review this page and/or contact your local RIC.

CHALLENGE



New York Education Law Section 2-d requires educational agencies to maintain data privacy agreements, with specific provisions, whenever third-party vendors have access to protected student information. Negotiating compliant agreements with numerous vendors is expensive and difficult. This new structure was developed to streamline processes and minimize the fiscal burden.

SOLUTION



In partnership with NYSED, the RICs are working with multi-state and national data privacy and security alliances invested in the K-12 vendor ecosystem to support the negotiation of data privacy agreements (DPAs). Once a NYS DPA is negotiated through the new centralized DPA structure and executed by one educational agency other educational agencies can piggyback on that agreement.

DPA STRUCTURES PARTNERS

The partners that are responsible for elements of this new centralized structure are the Access for Learning Student Data Privacy Consortium (A4L SDPC), The Education Cooperative Student Data Privacy Alliance (TEC SDPA), the New York State Education Department (NYSED), and the BOCES Regional Information Centers (RICs).



A4L's Student Data Privacy Consortium (SDPC) is a national consortium of schools, state agencies, educational service agencies, and third-party contractors. These stakeholders work together to address data privacy priorities. To streamline DPA negotiation processes, A4L's SDPC has developed a model National Data Privacy Agreement (NDPA) and a related online platform used to manage agreements called the SDPC Resource Registry.

The Education Cooperative (TEC) is a Massachusetts-based educational service agency and 501(c)(3) non-profit organization. The Massachusetts Education Cooperatives are like New York's BOCES. TEC maintains a Student Data Privacy Alliance (called the TEC SDPA). TEC SDPA is a multi-state data privacy alliance. TEC SDPA supports K-12 agencies in New York, Maine, Massachusetts, Missouri, New Hampshire, Ohio, Rhode Island, Tennessee, Vermont, and Virginia. The RIC One ROC maintains a membership with the TEC SDPA. Through this membership, and a membership with A4L/SDPC that is maintained by NYSED, your school district can access DPAs that include terms that address requirements associated with federal and state student data privacy laws (FERPA and Education Law § 2-d).

LOCAL RIC CONTACTS

Each RIC has support structures in place to assist educational agencies in using the centralized DPA structure and related platform. Your local RIC will onboard districts, train users, and provide ongoing support.



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