

**Student Data Accessibility, Transparency and Accountability Policy****1.0 PURPOSE:**

To comply with West Virginia Code 18-2-5h – Student Data Accessibility, Transparency and Accountability Act. The Wirt County Board of Education shall adhere to student collection guidelines, including but not limited to the following purposes: required state and federal mandates, data included in student data systems, and any data collected by the WVDE with no current identified purpose.

**2.0 DEFINITIONS:**

The following definitions provide clarification for terms used throughout this policy:

- 2.1 “Individually identifiable data” means data that can be traced back to individual students within given collection systems;
- 2.2 “Affective computing” means human-computer interaction in which the device has the ability to detect and appropriately respond to its user’s emotions and other stimuli;
- 2.3 “Student Data system” means the West Virginia Department of Education statewide longitudinal data system including but not limited to West Virginia Education Information System (WVEIS), WVZoom, and WVZoome.

**3.0 PROCEDURE**

- 3.1 Wirt County Schools shall assure that all student data contained within the student data system is handled in full compliance of this act, FERPA, and other state and federal privacy laws.
- 3.2 Wirt County Board of Education shall not report to the state the following individually identifiable student data:
  - 3.2.1 Juvenile delinquency records;
  - 3.2.2 Criminal records;
  - 3.2.3 Medical and health records; and
  - 3.2.4 Student biometric information.
- 3.3 Each School in Wirt County shall not collect the following individually identifiable student data:
  - 3.3.1 Political affiliation and beliefs;
  - 3.3.2 Religion and religious beliefs and affiliations;
  - 3.3.3 Any data collected through affective computing;
  - 3.3.4 Any data concerning the sexual orientation or beliefs about sexual orientation of the student or any student’s family member; and
  - 3.3.5 Any data concerning firearm’s ownership of any member of a student’s family
- 3.4 Exceptions to the transference of confidential student information include: student relocation to another district within the state; student relocation out of state; student relocation to an institution of higher education or training program; student registers for a national or multistate assessment; student voluntarily participated in a program for which a data transfer is a condition or requirement of participation; a student is classified as “migrant” for federal reporting purposes; a federal agency is performing a compliance review; or for state summative assessment vendors.
- 3.5 Administrative and operations functions, such as operating and maintaining computer information systems and local maintenance of WVEIS (see W. Va. Code §18-2-26), Service Agencies share

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responsibility for protecting student data. Given their services and responsibilities, Educational Service Agencies shall:

3.5.1 ensure that staff are familiar with and adhere to all applicable data security and privacy policies including, but not limited to, these procedures; 126CSR41, WVBE Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet (Policy 2460); the Student DATA Act; WVDE’s Data Access and Management Guidance; FERPA; relevant local policies; and other applicable regulations relating to security and acceptable use of education records and information systems;

3.5.2 support necessary computer infrastructure for data collection, management, and security, as appropriate given their responsibilities, including

3.5.2.1. providing training and technical support, as needed, to district and school staff responsible for operating data management and reporting systems, to include WVEIS and ZoomWV;

3.5.2.2 assist the WVDE in the dissemination of training and professional development regarding federal and state requirements respecting the privacy of education records and conditions for disclosure, as well as best practices for data security; and

3.5.2.3 provide technical assistance to districts and schools to ensure that data submitted through WVEIS are accurate, complete, timely, and compliant with relevant laws and regulations.

**4.0 ADMINISTRATIVE GUIDELINES:**

The Board authorizes the Superintendent to establish written administrative guidelines to facilitate enforcement of and compliance with this policy.

**5.0 SEVERABILITY:**

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy. Any changes or modifications due to legislative or state policy change may cause a modification to this policy by the superintendent.

**6.0 REVIEW SCHEDULE**

This policy shall be reviewed in accordance with the policy review schedule published by the Superintendent

Authority: West Virginia Code: 18-2-5h, West Virginia Board of Education Policy 4350, 2510

Replaces: None, new policy