

CLOUD CONTRACT – REQUIRED COMPONENTS MATRIX

Requirement of Law	Legal Citation	Complies Yes-No?	Location
AB 1584			
Written Contract	49073.1(b)		
States pupil records are the property of the LEA	“ (b)(1)		
States pupil records are under the control of the LEA	“ (b)(1)		
Describes means by which pupils may retain possession and control of pupil-generated content	“ (b)(2)		
Describes options by which a pupil may transfer pupil-generated content to a personal account.	“ (b)(2)		
Prohibits using any information in the pupil record for any purpose other than those required or specifically permitted by the contract.	“ (b)(3)		
Describes procedures by which a parent/guardian or eligible pupil may review PII in the pupil's records.	“ (b)(4)		
Describes procedures by which a parent/guardian or eligible pupil may correct erroneous information in the pupil's records.	“ (b)(4)		
Describes the actions the Vendor will take, including designation and training of responsible individuals, to ensure the security/confidentiality of pupil records.	“ (b)(5)		
Describes procedures for notifying affected parents, guardians, or eligible pupil of an unauthorized disclosure of the pupil's records.	“ (b)(6)		
Certification that a pupil's records shall not be retained or available to the third party upon completion of the terms of the contract.	“ (b)(7)		
Describes how the certification, that a pupil's records shall not be retained or available to the third party upon completion of the contract, will be enforced.	“ (b)(7)		
Describes how the LEA and Vendor will jointly ensure compliance with FERPA.	“ (b)(8)		
States a prohibition against the Vendor using PII in pupil records to engage in targeted advertising.	“ (b)(9)		
SB 1177 (B&P Code § 22584)			
Will not engage in targeted advertising on the operator's site, service, or application	22584(b)(1)(A)		
Will not target advertising on any other site, service, or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site.	22584(b)(1)(B)		

<p>Will not use information, including persistent unique identifiers, created or gathered by the operator’s site, service, or application, to amass a profile about a K–12 student except in furtherance of K–12 school purposes.</p>	22584(b)(2)		
<p>Will not sell a student’s information, including covered information.</p>	22584(b)(3)		
<p>Will not disclose covered information unless the disclosure is made: (A) In furtherance of the K–12 purpose of the site, service, or application, and provided the recipient of the covered information disclosed pursuant to this subparagraph does not further disclose the information unless done to allow or improve operability and functionality within that student’s classroom or school, and is legally required to comply with other rules (as found in 22584(d)) (B) To ensure legal and regulatory compliance; (C) To respond to or participate in judicial process; (D) To protect the safety of users or others or security of the site; or (E) To a service provider, provided the operator contractually (i) prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the service provider from disclosing any covered information provided by the operator with subsequent third parties, and (iii) requires the service provider to implement and maintain reasonable security procedures and practices as provided in subdivision (d).</p>	22584(b)(4)		
<p>Vendor shall implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information, and protect that information from unauthorized access, destruction, use, modification, or disclosure.</p>	22584(d)(1)		
<p>Vendor shall delete a student’s covered information if the school or district requests deletion of data under the control of the school or district.</p>	22584(d)(2)		
<p>Contains a definition of “Covered information” or the like that includes personally identifiable information or materials, in any media or format that meets any of the following: (1) Is created or provided by a student, or the student’s parent or legal guardian; (2) Is created or provided by an employee or agent of the K–12 school, school district, local education agency, or county office of education; (3) Is gathered by an operator through the operation of a site, service, or application and is descriptive of a student or otherwise identifies a student, including, but not limited to, information in the student’s educational record or email, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.</p>	22584(i)		