

Education Law Section 2-D Definitions

“Educational agency” means a school district, board of cooperative educational services, school, or the education department.

“Personally identifiable information,” as applied to student data, means personally identifiable information as defined in section 99.3 of title thirty-four of the code of federal regulations implementing the family educational rights and privacy act, section twelve hundred thirty-two-g of title twenty of the United States code, and, as applied to teacher or principal data, means “personally identifying information” as such term is used in subdivision ten of section three thousand twelve-c of this chapter.

“School” means any public elementary or secondary school, universal pre-kindergarten program authorized pursuant to section thirty-six hundred two-e of this chapter, an approved provider of preschool special education, any other publicly funded pre-kindergarten program, a school serving children in a special act school district as defined in section four thousand one of this chapter, an approved private school for the education of students with disabilities, a state-supported school subject to the provisions of article eighty-five of this chapter, or a state-operated school subject to the provisions of article eighty-seven or eight-eight 1 of this chapter.

“Student” means any person attending or seeking to enroll in an educational agency.

“Eligible student” means a student eighteen years or older.

“Parent” means a parent, legal guardian, or person in parental relation to a student.

“Student data” means personally identifiable information from student records of an educational agency.

“Teacher or principal data” means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of section three thousand twelve-c of this chapter.

“Third party contractor” shall mean any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. Such term shall include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to section two hundred eleven-e of this title and is not an educational agency as defined in paragraph c of this subdivision, and a not-for-profit corporation or other non-profit organization, other than an educational agency.