PROCURING DIGITAL PRODUCTS GUIDANCE DOCUMENT

This circular will remain in effect unless rescinded or superseded by a subsequent version

PURPOSE

This document is intended to provide guidance to Boston Public Schools (BPS) staff on the process to procure new digital learning technologies that use student education records or staff information. The overarching guidance is that schools and central office departments should continue to use already-vetted digital products that are included with the Google Enterprise suite of tools or those that are included in Clever.

DEFINITIONS

Digital Tool - Any digital products or learning tools that are used to enhance or improve workflows that do not store or maintain data/information. Examples include applications like Smartsheets, Chrome Extensions, or personal notation tools. These tools are exempt from this circular.

System - Any digital platform that purposely built to store, maintain, or transfer sensitive student or staff data/information. Examples include Aspen or EdPlan.

Platform - A suite of tools and programs that allow users to create structures to maintain information. Examples include Google Apps, Salesforce, or Wordpress.

Learning Application - Any digital tool used in a classroom setting that may contain content and student information/progress. Learning applications may fall into multiple categories, depending on how they are used, but any tool that contains content and tracks student learning should be considered a learning app for the purpose of this document. Examples include Imagine Learning.

CONTEXT

BPS staff seeking online learning products or receiving offers to use online learning products to support instruction in a digital space has resulted in the desire to use products that may not be aligned to BPS instructional standards, do not comply with our technical specifications, or do not adhere to data sharing guidelines under FERPA. Our district is committed to ensuring that appropriate educational supports and effective learning opportunities are provided to students. As such, this document will outline guidance for the appropriate review of digital learning tools in BPS. The guidelines outlined below are created to ensure that product confidentiality and security practices meet or exceed industry standards and adhere to the expectations contained in the federal Family Education Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA), the Protection of Pupil Rights Amendment (PPRA), and HIPAA regulations. This document describes the considerations schools and central office staff should employ

around protecting student data and education records, when selecting digital learning tools.

GUIDANCE FOR BPS STAFF PROCURING DIGITAL PRODUCTS

Any tools or products that are procured (paid for or free) by schools or departments for schoolwide or districtwide use need to comply with the FERPA school official exception criteria[1] and specifications for technical interoperability. Exceptions are made for tools that do not track/store/maintain student or staff information. For example, a Chrome Extension that magnifies the screen does not fall under these guidelines since it will not be

---

[1] **Performs an institutional service or function** for which the educational agency or institution would otherwise use its own employees;

Has been determined to **meet the criteria set forth in in the educational agency's or institution's annual notification** of FERPA rights for being a school official with a legitimate educational interest in the education records or PII;

Is **under the direct control of the educational agency** or institution regarding the use and maintenance of the education records or PII; and

Uses the education records or PII only for authorized purposes and does not re-disclose the education records or PII to other parties (unless the provider has specific authorization from the educational agency or institution to do so and it is otherwise permitted by FERPA). See 34 CFR §99.31(a)(1)(i).

accessing any sensitive information. New requests for products should:

1. Meet the district's technical specifications
2. Have signed or sign a data privacy agreement
3. Aligned to the Essentials for Instructional Equity
4. Serve a purpose that is distinct from currently available tools within the district.

PROCESS FOR SUBMITTING A SPENDING APPROVAL FOR THE DIGITAL LEARNING PRODUCT

Before a new digital learning product will be integrated, the following steps need to be completed:

1. Review the Essentials for Instructional Equity for alignment.
2. Have the vendor submit an NDA Request to receive and sign the MA Student Data Privacy Agreement and Technology Specifications Template.
3. Once fully executed, follow the procurement process as outlined in the BUSINESS SERVICES GUIDE.
4. Once the product is procured, email the BPS Clever Admin at cleveradmin@bostonpublicschools.org

For more information about this circular, contact:

Name:	Director of Technology
Department:	Office of Instructional and Information Technology, Office of Data & Accountability
Mailing Address:	Bruce C. Bolling Building, 2300 Washington Street, Roxbury, MA 02119
Phone:	617-635-9200
Email:	Operations-Department-Heads@bostonpublicschools.org

Mary Skipper, Superintendent