



## The AET and EdLaw 2D

NYSED has provided the following clarification about how CTSO organizations who use student personal identifiable information (PII) should navigate within their local school and with third-party vendors to comply with Education Law 2-d. This clarification is very helpful as it relates to FFA activities within your school, and more importantly the National FFA. Please share this information with your administration.

Here is the most up to date information it is also posted at <http://www.nysed.gov/career-technical-education/career-and-technical-student-organizations-ctsos> :

### **Question:**

Are the state and national career and technical student organizations (CTSOs) who use student personal identifiable information (Student PII) for memberships, competitions, and awards required to contract with each local school district as a third-party vendor in order to comply with the regulations of Education Law § 2-d?

### **Answer:**

When students register for membership and events directly with CTSOs and the information is not provided to the CTSO by the school district, the student PII is not from the district's educational record that is required to be protected pursuant to Education Law § 2-d. Where that is the case, Education Law § 2-d would not apply.

To ensure that Education Law § 2-d does not apply to the student PII, the following conditions must be met:

- All data provided by the CTSO is provided directly by eligible students (as defined by the Family Educational Rights and Privacy Act [FERPA]), or their parents, and no student PII is transferred, digitally or otherwise, from school educational records to the CTSO. This student PII may include student names, addresses, grade level, courses completed, or other student specific information.
- Best practice is to obtain parental consent whenever CTSOs obtain, create or share a record with student PII with others, including information posted to the CTSO's website, information provided at CTSO events and information posted to social media.

Any further questions about the impact of Education Law § 2-d on career and technical student organizations should be directed to the NYSED Privacy Office at [privacy@nysed.gov](mailto:privacy@nysed.gov) (link sends e-mail).