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FROM: Louise DeCandia, Chief Privacy Officer

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Guidance on Dignity for All Students Act & Education Law 2-d Online Report or
Complaint Submission Forms

The Dignity for All Students Act (Education Law Article 2; “Dignity Act”) and its implementing regulations (8 NYCRR §§ 100.2[jj] and [kk]) require public schools¹ to ensure that parents and students have the opportunity to file a report regarding conduct prohibited by the Dignity Act. Similarly, Education Law 2-d (“2-d”) and its implementing regulations (8 NYCRR Part 121) require public schools, including charter schools, to provide eligible students and parents with the opportunity to file a complaint regarding the breach or unauthorized release of personally identifiable information (“PII”).² Due to the likelihood, if not certainty, that these complaints will contain PII, Educational Agencies must treat both Dignity Act and privacy reports as confidential.³

Many educational agencies use online forms such as Microsoft or Google Forms, which provide parents and students with a convenient way to file a written report or complaint. Due to two recent data incidents pertaining to online DASA forms, I want to remind educational agencies that the best practice before using such forms is to review the privacy settings and controls to ensure that report or complaint submissions *cannot* be viewed by any person other than the school officials who have been determined to have a need to know the information. This would ordinarily be limited to the Dignity Act Coordinator (for Dignity Act complaints), the Data Protection Officer (for 2-d complaints), and other school officials who assist them. While other school officials may be provided some information regarding a report or complaint during an investigation,

¹ 8 NYCRR §119.6 similarly requires Charter Schools to respond to acts of discrimination and harassment against students.

² While the Federal Family Educational Rights and Privacy Act (“FERPA”) and the Federal Protection of Pupil Rights Amendment (“PPRA”) provide students and parents with the ability to file complaints alleging violations of their terms, those complaints are filed with the U.S. Department of Education and, thus, outside the scope of this guidance.

³ Unlike Education Law § 2-d, DASA does not provide an avenue for a parent or student to complain directly to the State Education Department.

they should not be given access to filed reports or complaints given the sensitivity of the information and their limited role in the investigation. Dignity Act reports may contain information of a highly personal nature that, if released (even accidentally), may cause harm to an individual. I therefore urge educational agencies to exercise due diligence when accepting reports and complaints through online forms.