

## **FERPA Policy**

LTI is committed to protecting information about all of its customers. As part of this commitment, we work with educational institutions that must comply with the Family Educational Rights and Privacy Act (“FERPA”) to help ensure student education records are handled in a manner consistent with FERPA and the applicable educational institution’s FERPA policy. In this regard, we also note that this Policy shall apply to students who reach the age of 18 (or the age of majority in states that where the age is lower than 18). This Policy also applies to the protection of student education records under the Individuals with Disabilities Education Act (“IDEA”).

LTI collects and maintains information on students for the benefit of schools and school district administrators, or individual teachers, who purchase our testing products and services. We collect student information through registration for the ACTFL Assessment of Performance toward Proficiency in Languages (“AAPPL”) Measure (Forms A and B), designed for students in 1st through 12th grades, offered in various languages including English and Spanish, and the ACTFL Latin Interpretive Reading Assessment (“ALIRA”). Both tests are used as student achievement tests, which can also measure longitudinal progress of individual students towards reaching proficiency. At no time does LTI ask students to participate in any surveys that could reveal student information about any protected category (e.g., political affiliation or beliefs, mental or psychological problems, religious practices, affiliations or beliefs, sex behavior or attitudes).

Both the AAPPL and the ALIRA are administered over the Internet from a school/classroom computer, or on a student’s personal computer -- in each instance a teacher acts as the proctor. Thus, no student email information is collected. In most settings, the teacher or school assign each student an identification number, although there are instances where customers require that student information be collected over multiple years and/or different schools, where LTI assigns an identification number. Information collected about students, which is encrypted by LTI for storage in each education record, include:

- First and Last Name;
- Gender;
- Native language;
- Student Identification Number;
- The school where a student is enrolled;
- The grade (or course level/years of study);
- The school district;
- The teacher; and
- Data on student scores, depending on the form and scope of the test, including written answers, audio/video responses, errors, timing information, progress within the system, and other inferences made from these data about student language achievement and/or proficiency.

Schools (or where appropriate, the school district), as well as the teacher, receive individual student score reports from LTI, and they disseminate information or a certificate to the student. Parents./students may ask the teacher or school to review the information that LTI has collected

and retained about a particular student. If required by the teacher/school, LTI will delete or modify an individual student record. However, inasmuch as actual test items are proprietary and must be kept secure, they are never disclosed; a summary of items and description of the test will be provided upon request by a parent or student.

LTI may use the information collected about students to:

- Provide reports to teachers or school or school district administrators at the class, school, or district level;
- Investigate information security and information asset protection-related incidents;
- Provide training to language proficiency raters who score these tests;
- Evaluate and improve test content and services; and
- Research and develop new test products and services.

If any of these uses involves its licensor (“ACTFL”), or a third party vendor, LTI requires that ACTFL and such vendor(s) sign an agreement ensuring that all FERPA information that is shared with that entity will be protected to the same degree LTI protects it.

In addition, LTI may use aggregated, anonymous student data (i.e., without individual student identification) for other purposes. In such cases, the teachers, schools and/or school district administrators who purchase tests may also provide LTI with the information required to provide these reports, which may personally identify students (e.g., by demographic categories such as gender, ethnicity, free or reduced lunch status, etc.). When such agreements are in place, reports containing this aggregated anonymous information are provided only to the teachers, and schools and school district administrators authorized to receive that information. In such cases, data is held securely and only LTI employees directly involved in producing these reports have access to students’ personally identifiable information. LTI does not collect or maintain any demographic, academic or other school record information about students, teachers or administrators unless it has a separate reporting or research agreement. Uses of such aggregated student data include:

- Analyzing test results, outcomes, and preferences;
- Improving testing services available from LTI to meet customer and student needs;
- Monitoring test usage and perform such analyses as might be necessary or helpful in improving product performance, efficiency, and security;
- Researching how students use LTI testing services and analyze the educational effectiveness of test products and services to contribute to general knowledge about students achievement in language;
- For external academic research and scholarship;
- Enforcing our Terms of Use; and
- Using the information as may be required or permitted by legal, regulatory, industry self-regulatory, audit or security requirements.

## *California Student Data Privacy Requirements*

Related to the Student Online Personal Information Protection Act (“SOPIPA”) in California, LTI performs only testing services within a K-12 school purpose that take place under the direction of a school, teacher or school district. Therefore, the student profile LTI amasses is specifically related to such K-12 school purpose. LTI does NOT use any student data it collects or receives from any K-12 students in California to conduct any targeted advertising to any students – as noted, student email information is NOT collected, nor are home addresses of students/parents. At the request of a customer, LTI will remove a student’s information from our database. Nor does LTI sell student information covered by SOPIPA to any other entity, including any educational services operator that may be covered by the California law, or disclose such student information to any third party who is not also contractually bound to comply with SOPIPA. Finally, consistent with its general FERPA Policy, LTI may use aggregated, anonymous student data to develop and improve its tests or testing services. However, because of the proprietary and secure nature of the LTI tests, students are NOT permitted to save or download copies of the tests or test answers they create; descriptions of the test and items may be obtained from LTI.

LTI uses contractual terms and privacy policies to ensure that its customers conform to all of these policies when any FERPA or SOPIPA information may come into their possession. Those other terms and policies may modify any LTI policy for information collected or released under those terms, but they will never contradict the policy terms described here. If you have any questions as to what legal agreement or privacy policy controls the collection and use of your information, please contact your teacher, school, district or LTI at [www.languageTesting.com](http://www.languageTesting.com).

### **Children’s Privacy Policy**

Most of the LTI website is addressed to a general adult audience and thus LTI does not knowingly collect information from children under 13 (“Children” and each, a “Child”). LTI does administer some tests to children under 13, and we may collect information from children under 13 in connection with those tests, which are administered using a school computer. Therefore, LTI provides this Children’s Privacy Policy to explain our privacy practices with respect to children under 13 who take specific LTI assessments.

LTI collects personal information from children under 13 for the use and benefit of teachers or school or school district administrators, and for no other commercial purpose. We limit the use of information from children under 13 to the educational context authorized by the school or district.

Through this Children’s Privacy Policy, we provide each school with all the notices required under the Children’s Online Privacy Protection Act (“COPPA”). Parents also can request a copy of these notices and request access to their child’s personal information to review and/or have the information deleted by contacting [www.languageTesting.com](http://www.languageTesting.com).

### ***Collection & Use of Information from Children Under 13***

The information we directly collect on children under 13 includes:

- First and Last Name;
- Gender;
- Native language;
- Student Identification Number;
- The school where a student is enrolled;
- The grade (or course level/years of study);
- The school district;
- The teacher; and
- Data on student scores, including written answers, audio/video responses, errors, timing information, progress within the system, and inferences made from these data about student language achievement and/or proficiency.

LTI does not enable children under 13 to make their personal information publicly available (e.g., by access to social media, mobile app).

LTI uses the information collected on children under 13 to:

- Provide reports to teachers or school or school district administrators at the class, school, or district level;
- Support teachers or school or school district administrators implementing our products or using our services;
- Monitor the use of our products and perform such analyses as might be necessary or helpful in improving product performance, efficiency, and security; and
- Perform analysis directed at improving the educational effectiveness of our products and services and to contribute to general knowledge about student achievement in languages.

LTI does not use any information collected about children under 13 to advertise or market to students or their parents.

### ***Disclosure of Information from Children Under 13***

LTI may rely on third party service providers who provide support for the internal operations of the digital properties, such as hosting the website, designing and/or operating our digital properties' features, tracking analytics, or performing other administrative services. These third party service providers are held to the same obligations as LTI with regard to information from children under 13, do not disclose or use information for any other purpose, and are subject to the terms of this agreement.