

STUDENT PRIVACY**I. Student Surveys**

In accordance with the Protection of Pupil Rights Amendment (PPRA) of the No Child Left Behind Act, the district is committed to protecting the rights and privacy interest of parents/guardians and students with regard to administering surveys to students which include one or more of the following items:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

U.S. Department of Education Funded Surveys. The district shall make instructional materials available for inspection by parents/guardians if the materials will be used in connection with a U.S. Department of Education funded survey, analysis or evaluation in which their children participate and it addresses one or more of the above items. In addition, the district shall obtain prior written parent/guardian consent before minor students are required to participate in any such survey, analysis or evaluation.

Surveys Funded by Other Sources. The parent/guardian has a right to inspect, upon request, a survey created by a third party (other than the U.S. Department of Education) which addresses one or ore of the above items before the survey is administered or distributed by the school to the student. Such request must be submitted by the parent/guardian to the Building Principal at least 10 days prior to the administration or distribution of any survey.

II. Instructional Materials

Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time after such request is received by the district. Requests shall be submitted by the parent/guardian, in writing, to the Building Principal. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include academic tests or academic assessments."

III. Physical Examinations or Screenings

The district shall provide parents/guardians with the opportunity to opt their child out of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance and that is not necessary to protect the immediate health and safety of the student and/or other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include any physical examination or screening required or permitted by law (e.g., hearing, vision, or scoliosis screening).

IV. Collection, Disclosure or Use of Personal Information

Unless required or authorized by federal or state law and/or regulation, it is the policy of the Board to not permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information for that purpose, unless otherwise exempted pursuant to law. "Personal Information" is defined as information that would allow a reasonable person in the school or community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student's name or identification number, parents' name and/or address, a biometric record, etc.

This provision shall not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e. The sale by students of products or services to raise funds for school-related activities;
- f. Student recognition programs.

V. Notification to Parents

The district shall provide parents with a copy of this policy at the beginning of each school year, and within a reasonable period of time after adoption or substantive change in this policy.

The district shall provide parents/guardians with notification, at least annually, at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

The district shall provide notification to parents/guardians and offer them the opportunity to opt their child out of participation in the following activities:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or providing it to others for that purpose.
2. The administration of any survey containing one or more of the items listed above;
3. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health or safety of the student or other students.

VI. Miscellaneous

The provisions of the Family Rights and Privacy Act (FERPA) and this policy do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). In addition, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer to the student when he/she turns 18 years of age or is an emancipated minor under applicable state law.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law §903

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