

PROTECTION OF STUDENT PRIVACY-
SURVEYS, CERTAIN PHYSICAL EXAMINATIONS, AND
PARENTAL ACCESS TO INFORMATION

The Board of Education is committed to protecting the privacy rights of students in the school district in a manner consistent with the Protection of Pupil Rights Amendment (PPRA). The PPRA establishes the parameters that school districts must follow whenever personal information is collected from students as part of a survey, analysis, evaluation or certain types of physical examinations. Parents also have the right to inspect surveys and instructional materials that concern student information of a protected nature.

For the purpose of this policy, the term “parent” includes parents, guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the welfare of the child). The term also includes students who are age 18 or older, since the rights of the parent transfer to the student at age 18.

I. Student Surveys

A. Protected areas of information

The following eight categories are considered “protected areas” for the purpose of collection of student information by survey, analysis and evaluation:

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

B. Prior written consent for federally funded surveys revealing protected information

Written consent of a parent must be obtained prior to participation of any student in a survey or evaluation that is funded in whole or in part by the U. S. Department of Education if the survey elicits information concerning any of the eight protected areas listed in Section A above.

C. Opportunity to opt-out of other surveys revealing protected information

For surveys not funded in any part by the federal government, parents need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed in Section A above.

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II. Collection of student information for marketing purposes

A. Opportunity to opt-out of marketing surveys or data collection

The school district shall offer parents the opportunity to opt their child out of activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose. “Personal information” is defined as individually identifiable information including: 1) a student’s or parent’s first and last name; 2) a home or other physical address, 3) a telephone number; or 4) a social security number.

B. Exceptions

The requirements concerning these activities do 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 the following:

1. College or other postsecondary education recruitment, or military recruitment;
2. Book clubs, magazines, and programs providing access to low-cost literary products;
3. Curriculum and instructional materials used by elementary schools and secondary schools;
4. Tests and assessments used by elementary schools and secondary schools to provide cognitive; evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. The sale by students of products or services to raise funds for school-related or education-related activities; and
6. Student recognition programs.

III. Administration of Physical Examinations and Screenings

A. Opportunity to opt-out of certain physical examinations

The school district shall offer an opportunity for parents to opt their child out of participating in any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and 3) not necessary to protect the immediate health and safety of the student, or of other students. An “invasive physical examination” is defined as any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body, but does not include a hearing, vision, or scoliosis screening.

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B. Exceptions

This provision does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screening permitted without parental notification.

IV. Parental Access to Information

Parents shall have the right to review, upon request, any survey that concerns one or more of the eight protected areas, any instructional materials used in connection with any survey that concerns one or more of the eight protected areas, any instrument used in the collection of personal information for marketing or sales purposes and any instructional material used as part of the educational curriculum for the student. “Instructional material” is content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital format, but does not include academic tests or academic assessments.

V. Notification

1. Parents will be given notice of their rights under the PPRA and this policy annually, at the beginning of each school year, and within a reasonable period of time after any substantive changes are made.
2. Parents shall be provided with reasonable notification (at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time) and given an opportunity to opt his or her child out of participation in the following specific activities:
 1. Surveys (not funded by the federal government) that elicit information concerning any of the eight protected areas listed in Section I(A);
 2. Activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes;
 3. Any non-emergency, invasive physical examination or screening as defined in Section III.

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VI. Administrative Regulations

The Superintendent of Schools shall develop administrative regulations - in consultation with parents - to implement this policy including any specific arrangements to protect student privacy, notification forms and the process for parents to inspect surveys, instruments for collecting marketing data and instructional materials.

Legal References: 20 U.S.C. §1232h Protection of Pupil Rights Amendment
 34 C.F.R. Part 98 (PPRA regulations)