



## STUDENTS

### ADMINISTRATIVE REGULATION – STUDENT AND FAMILY PRIVACY RIGHTS

AR 5022

#### **Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or their parent/guardian
2. Mental or psychological problems of the student or their family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or their parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements for prior written consent, the County Education Office may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the County Education Office administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the County Superintendent of Schools or designee shall not remove such questions. (Education Code 51514)

### **Parent/Guardian Access to Surveys and Instructional Materials**

The parent/guardian of any County Education Office student, upon their request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to their child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of their child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the program manager or designee shall permit the parent/guardian to view the survey or other document requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for their parent/guardian's exercise of any of the rights stated above.

### **Health Examinations**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to their parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

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 injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

### **Notifications**

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The County Education Office's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in

this administrative regulation and the accompanying County Board policy

3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical examinations or screenings

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the County Education Office shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

APPROVED BY COUNTY SUPERINTENDENT: February 2, 2023