

## Instruction

### Surveys of Students (Student Privacy)

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

The Board of Education recognizes the staff's need to collect input from students and parents in order to assist decision-making related to curriculum and instruction, program development and operations. To this end, the Board supports the use of appropriate surveys in accordance with the guidelines contained within this policy.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

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| <b>Note:</b> The term "survey" includes an evaluation. |
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Prior to administering a survey, the Board of Education must approve all those that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

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 and 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;

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### **Surveys of Students (Student Privacy) (continued)**

7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations, or beliefs of the student or the student's parent.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

Parents and guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

Overall survey results following decisions must be shared with all parties who request such information.

Parents and guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent and guardians, or students 18 or older, have the right to opt the student out of participation, in writing, in the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does 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, 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 by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
  - e. Student recognition programs; and
  - f. The sale by students of products or services to raise funds for school-related activities or education-related activities.

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2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above; or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

**Note:** *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 injection into the body, but does not include a hearing, vision or scoliosis screening.*

*The term “personal information” means individually identifiable information including a student’s or parent’s name, address, telephone number, or social security number.*

Parents or guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum.

**Note:** *The term “instructional material” means instructional material 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.*

Legal Reference: P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act)

P.L. 107-110, (HR 1-“Leave No Child Behind”) § 1061/1062 – Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors. (20 U.S.C. §1232h)

Regulation 34 CFR Part 99

Policy adopted: December 8, 2005  
November 24, 2020

NEW LONDON PUBLIC SCHOOLS  
New London, Connecticut

**Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- **Consent** before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the 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.
- **Receive notice and an opportunity to opt a student out of-**
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- **Inspect, upon request and before administration or use-**
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

**[School District will/has develop[ed] and adopt[ed]]** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District will directly notify parents and eligible students of these policies at least annually at the start of each school year]** and after any substantive changes. **[School District]** will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents/eligible students who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office - U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

**PPRA Model Notice and Consent/Opt-Out for Specific Activities**  
**[LEAs should adopt the following model form as appropriate]**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h, requires **[name of school district or school]** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

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.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 or older or an emancipated minor under State law.)

**Date:** On or about October 15, 2003

**Grades:** Five and Six

**Activity:** ABC Survey of At-Risk Behaviors.

**Summary:** This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

**Consent [for ED funded, protected information surveys only]:** A parent must sign and return the attached consent form no later than **[insert return date]** so that your child may participate in this survey.

**Opt-out [for any non-ED funded protected information survey]:** Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this activity.

**Date:** November 22 - 24, 2003  
**Grades:** One through Six  
**Activity:** Flu Shots  
**Summary:** The County Department of Public Health Services will administer flu shots for influenza types A and B.

**Opt-out:** Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

**Below are two examples dealing with the collection, use and distribution of personal information for student-based commercial services. Administrators should particularly note the difference in the type of consent required for each activity depending on what personal information is being collected, used or distributed.**

*[Survey A: Limited to personal information designated as "directory information"]*

**Date:** 2003-2004 School Year  
**Grades:** Nine through Twelve  
**Activity:** Student-Based Commercial Services  
**Summary:** [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

**Opt-out:** Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

**[Note to schools: This information - names, addresses, and telephone listings - may be designated and disclosed as "directory information" under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools may meet PPRA notice requirements for specific marketing activities that involve only designated "directory information" by allowing parents to opt out of "directory information" at the start of each school year, which would include all marketing activities.]**

*[Survey B: Collects personal information beyond designated directory information]*

**Date:** 2003-2004 School Year  
**Grades:** Nine through Twelve  
**Activity:** Student-Based Commercial Services  
**Summary:** [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

**Consent:** A parent must sign and return the attached consent form no later than **[insert return date]** so that your child may participate in this activity.

**[Note to schools: While some of the information - names, addresses, and telephone listings - may be designated and disclosed as "directory information" under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use, and disclosure of students' social security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with §99.30 of the FERPA regulations.]**

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to **[school official, address]**. **[School official]** will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

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I \_\_\_\_\_ give my consent for \_\_\_\_\_ to take the ABC  
*[parent's name]* *[child's name]*

Survey of At-Risk Behaviors on or about October 15, 2003.

\_\_\_\_\_  
Parent's signature

Please return this form no later than [insert date] to the following school official: [Provide name and mailing address.]

**NEW LONDON PUBLIC SCHOOLS**  
**New London, Connecticut**

**WRITTEN CONSENT OF STUDENT SUBMISSION TO**  
**SURVEYS, PERSONAL ANALYSIS, OR EVALUATIONS**

(This form is to be used to provide as required by federal law written consent of a student's parent or guardian to the student's participation in a survey, a personal analysis, or an evaluation.)

Name of Student: \_\_\_\_\_

Address: \_\_\_\_\_

Grade/School Year: \_\_\_\_\_ Birthdate of Student: \_\_\_\_\_

Name of Student's Parent or Guardian: \_\_\_\_\_

Address of Parent or Guardian: \_\_\_\_\_

The survey, personal analysis, or evaluation reveals the following information: (check all those applicable)

- Political affiliations or beliefs of the student or the student's parent.
- Religious beliefs, practices, or affiliations of the student or the student's parent.
- Mental or psychological conditions that may embarrass the student or his/her family.
- Sexual behavior and attitudes.
- Illegal, anti-social, self-incriminating or demeaning behavior.
- Critical appraisals of other individuals with whom the student has a close family relationship.
- Legally recognized privileged or confidential relationships, including a relationship with a lawyer, physician, or minister.
- Income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.)

A copy of the personal analysis, survey, or evaluation is attached for your review.

I, (name of parent/guardian of student), consent to the participation of (name of student) in the attached survey, personal analysis, or evaluation.

\_\_\_\_\_  
(Signature of Parent/Guardian)

\_\_\_\_\_  
(Date)



**NEW LONDON PUBLIC SCHOOLS**  
**New London, Connecticut**

**RIGHT TO INSPECT CERTAIN INSTRUCTIONAL MATERIAL**

In addition to any other rights with respect to the inspection of instructional materials, the parent or guardian of a child enrolled in a school within the New London Public Schools which receives funds from the United States Department of Education either directly or indirectly, shall be entitled to inspect those instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any school program or curriculum.

Any complaints arising under this policy may be submitted in accordance with the policy for parental (public) complaints.

Legal Reference: 20 U.S.C. 1232h(a)

**STUDENT SUBMISSION TO REQUIRED SURVEYS,  
ANALYSIS, OR EVALUATIONS OF SCHOOL PROGRAMS**

No student shall be required without prior written consent of the student's parent or guardian, as part of any school program or curriculum which receives funds from the United States Department of Education, to submit to a survey, analysis, or evaluation which reveals information concerning:

- (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).

Legal Reference: 20 U.S.C. 1232h(b)