

1 Great Falls School District

2  
3 **INSTRUCTION**

2131

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5 Student and Family Privacy Rights

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7 All fundamental parental rights are exclusively reserved to the parent of a child without  
8 obstruction or interference by a government entity as consistently recognized in state and federal  
9 courts and as required by state and federal law and District policy.

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11 Surveys – General

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13 All surveys requesting personal information from students, as well as any other instrument used  
14 to collect personal information from students, must advance or relate to the District’s educational  
15 objectives as identified in Board Policy. This applies to all surveys, regardless of whether the  
16 student answering the questions can be identified and regardless of who created the survey.  
17 Parents or guardians may opt the child out of any personal analysis, evaluation, survey, or data  
18 collection by a school district that would capture data for inclusion in the statewide data system  
19 except data that is necessary and essential for establishing a student's education record. Surveys  
20 requesting or requiring disclosure of personal information shall require parental consent as  
21 described in this policy.

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23 Surveys Created by a Third Party

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25 Before the District administers or distributes a survey created by a third party to a student, the  
26 student’s parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time  
27 of their request.

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29 This section applies to every survey: (1) that is created by a person or entity other than a District  
30 official, staff member, or student, (2) regardless of whether the student answering the questions  
31 can be identified, and (3) regardless of the subject matter of the questions.

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33 Surveys Requesting Personal Information

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35 School officials and staff members shall not request, nor disclose, the identity of any student who  
36 completes ANY survey containing one (1) or more of the following items:

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- 38 • Political affiliations or beliefs of the student or the student’s parent/guardian;
  - 39 • Mental or psychological problems of the student or the student’s family;
  - 40 • Behavior or attitudes about sex;
  - 41 • Illegal, antisocial, self-incriminating, or demeaning behavior;
  - 42 • Critical appraisals of other individuals with whom students have close family  
43 relationships;
  - 44 • Legally recognized privileged or analogous relationships, such as those with lawyers,  
45 physicians, and ministers;
  - 46 • Religious practices, affiliations, or beliefs of the student or the student’s parent/guardian;

- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The student's parent(s)/guardian(s) may:

- Inspect the survey within a reasonable time of the request; and/or
- Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

No student in the District shall be required, as part of any applicable program, to submit to any survey, analysis, or evaluation that requests or requires the disclosure of the above-noted personal information in this section without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. This provision specifically documents the arrangements taken to protect student privacy in accordance with 20 USC §1232h(c)(1)(a)(b).

### Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum.

The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

### Collection of Personal Information From Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including: (1) a student's or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) telephone number, or (4) a Social Security identification number.

The District will not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The District, however, is not prohibited from collecting, disclosing, or using 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:

- College or other post-secondary education recruitment or military recruitment;
- Book clubs, magazines, and programs providing access to low-cost literary products;
- Curriculum and instructional materials used by elementary schools and secondary schools;

- 1 • Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or
- 2 achievement information about students (or to generate other statistically useful data for
- 3 the purpose of securing such tests and assessments) and the subsequent analysis and
- 4 public release of the aggregate data from such tests and assessments;
- 5 • The sale by students of products or services to raise funds for school-related or education-
- 6 related activities;
- 7 • Student recognition programs.

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#### 9 Notification of Rights and Procedures

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11 This policy shall be posted on the District’s website and provided in a manner specified in

12 accordance with law and policy. The Superintendent or designee shall notify students’

13 parents/guardians of:

- 14 • This policy as well as its availability from the administration office upon request;
- 15 • How to opt their child out of participation in activities as provided in this policy;
- 16 • The approximate dates during the school year when a survey requesting personal
- 17 information, as described above, is scheduled or expected to be scheduled;
- 18 • How to request access to any survey or other material described in this policy.

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21 This notification shall be given parents/guardians at least annually at the beginning of the school

22 year and within a reasonable period after any substantive change in this policy.

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24 The rights provided to parents/guardians in this policy transfer to the student when the student

25 turns eighteen (18) years of age or is an emancipated minor.

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#### 27 Cross References:

28 Policy 2132	Research Studies
29 Policy 2311	Instructional Materials
30 Policy 3200	Student Rights and Responsibilities
31 Policy 3410	Student Health/Physical Screenings/Examinations

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#### 33 Legal References:

34 20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
35 20 U.S.C. 1232h	Protection of Pupil Rights
36 20 U.S.C. 6318	Parent and Family Engagement
37 § 40-6-701, MCA	Interference with Fundamental Parental Rights Restricted
38 § 40-6-702, MCA	Fundamental Parental Rights
39 § 40-6-703, MCA	Increase Parental Involvement in Education
40 10.55.601	Accreditation Standards: Procedures
41 10.55.701	Board of Trustees
42 10.55.722	Family and Community Engagement

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#### 44 Policy History:

45 Adopted on:	June 8, 2015
46 Revised on:	August 21, 2023

1 Revised on: June 10, 2024