

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the District is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District will make instructional materials available for inspection by parents or guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District **will obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent or guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent or guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Surveys Funded by Sources Other than U.S. Department of Education

The District has developed and adopted this Board policy, in consultation with parents or guardians, regarding the following:

- a) The right of the parent or guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents or guardians to inspect such surveys are to be submitted to, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District will grant a request by the parent or guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

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- b) Arrangements will be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent or guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent or guardian;
 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 guardian;
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent or guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents or guardians will 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 (defined by the District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests will be submitted by parents or guardians, in writing, to the building principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual 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.*
- d) The administration of physical examinations or screenings that the District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

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In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent or guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted in accordance with law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent or designee.

These requirements **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:

- 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 by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others 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 or education-related activities;
- f) Student recognition programs.

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

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This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

Notification of Policies/"Opt Out" Provisions

The District will provide for reasonable notice of the adoption or continued use of this policy directly to the parents or guardians of students enrolled in the District. At a minimum, the District will provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District will offer an opportunity for parents or guardians to opt their child out of participation in the following activities:

- a) 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).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) 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 and safety of the student, or of 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 injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Notification of Specific Events

In the notification, the District will directly notify parents or guardians, 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.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

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MINORS (Cont'd.)**

The rights provided to parents or guardians under PPRA transfer from the parent or guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g, as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Medication and Personal Care Items

Adopted: 1/25/01
Revised: 10/9/03