

SALEM SCHOOL DISTRICT  
Salem, Connecticut

INSTRUCTION

SURVEY OF STUDENTS (STUDENT PRIVACY)

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. The Board of Education recognizes its responsibility to enact policies that protect student privacy in accordance with the law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams. When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Salem 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 discretion of the Superintendent of Schools. Parents/Guardians 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.

Prior to administering a survey, the Salem Board of Education must approve all that are received by the Superintendent 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 parents;
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;
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.

In the event the District plans to survey students to gather information included in the above list, the District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

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

Parents/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.

### Marketing

It is the Board's policy not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. 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, or educational institution, such as:

- a. College or other post-secondary 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;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities;

### Invasive Physical Examinations

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.*

Prior to 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, a student's parent/guardian will be notified and given an opportunity to opt

their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notifications.

### Inspection of Instructional Material

Parents/Guardians of a student shall also have the right to inspect and review upon written request to the Principal any instructional material used as part of the educational curriculum. The District shall grant access to instructional material within a reasonable period of time, identified as within 30 calendar days, after a parental request is received.

Note: *The term "instructional material" means instructional material ~~content~~ 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 tests or academic assessments.*

*The law does not identify a "reasonable period of time", therefore the District is free to identify any period of time it deems reasonable.*

### Notification

Parents/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 the District. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Legal References: 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; Regulation 34 CFR Part 99.

1<sup>st</sup> Reading: May 7, 2007

Policy Adopted: June 4, 2007

Revised Policy 1<sup>st</sup> Reading: November 2, 2020

Revised Policy Adopted: December 7, 2020

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SALEM SCHOOL DISTRICT  
Salem, Connecticut

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

Dear Parents/Guardians:

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

1. Consent before students are required to submit to a survey that concerns one or more of the following subjects (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) -
  - Political affiliations or beliefs of the student or student’s parent;
  - Mental or psychological problems of the student or student’s family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of others with whom respondents have close family relationships;
  - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - Religious practices, affiliations, or beliefs of the student or parents; or
  - Income, other than as required by law to determine program eligibility.
  
2. Receive notice and an opportunity to opt a student out of –
  - Any other protected information survey, regardless of funding;
  - 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
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others, except to the extent notification of such activities is not required by law.

3. Inspect, upon request and before administration or use –

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

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

Superintendent of Schools  
Salem School District  
200 Hartford Road  
Salem, CT 06420

or

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

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