Student and Family Privacy Rights

Adopted: 05/03/2005 **| Last Revised:** 09/03/2024 **| Last Reviewed**: 09/03/2024

The Board of Education respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other 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
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including their name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following:

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
    a. Survey instruments requesting information about their personal beliefs and practices or those of their children
    b. Instructional materials used as part of their children's educational curriculum
    c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any nonemergency physical examinations or screenings that the school may administer

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
49076.7 Privacy of student records; social security numbers
49450-49458 Physical examinations of students
49602 Counseling and confidentiality of student information
51101 Parents Rights Act of 2002
51513 Test, questionnaire, survey, or examination concerning personal beliefs
51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity
51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse
FEDERAL
UNITED STATES CODE
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h Privacy rights
MANAGEMENT RESOURCES
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/
U.S. Department of Education, Family Policy Compliance Office
https://www2.ed.gov/policy/gen/guid/fpco/index.html
California Department of Education http://www.cde.ca.gov/
California School Boards Association http://www.csba.org/

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