P5502 STUDENT PRIVACY

BOARD POLICY:

The district will protect the right of privacy of students and their families in connection with any surveys or physical examinations conducted, assisted, or authorized by the administration. The district will annually provide parents notice of their rights under the Protection of Pupil Rights Amendment and the Student Data Privacy Act, at the beginning of each school year and at any other time the district policies in the area are substantially changed.

Implemental Procedures:

1. Student Data Restrictions.
   a. Any student data maintained in a statewide longitudinal student data system ("Statewide Longitudinal Student Data") will only be disclosed in accordance with the Student Data Privacy Act and this policy. Disclosure of student data or student record information that is maintained by the District is governed by the Family Educational Rights & Privacy Act ("FERPA").
   b. Annual written notice presented to parents and legal guardians of District students:
      1) will require parent or guardian's signature; and
      2) will state that Statewide Longitudinal Student Data maintained in a Statewide Longitudinal Data system will only be disclosed as follows:
         a) Statewide Longitudinal Student Data maintained in a Statewide Longitudinal Student Data system may be disclosed to:
            (i) The authorized personnel of an educational agency or the state board of regents who require disclosures to perform assigned duties; and
            (ii) The student and the parent or legal guardian of the student, provided the data pertains solely to the student; and
            (iii) Authorized personnel of any state agency, or to a service provider of a state agency, educational agency or school performing instruction, assessment, or longitudinal reporting, if a data-sharing agreement between the educational agency and other state agency or service provider includes the following:
               (a) purpose, scope and duration of the data-sharing agreement;
               (b) recipient of Statewide Longitudinal Student Data will use such information solely for the purposes specified in the agreement;
               (c) recipient will comply with data access, use and security restrictions specifically described in the agreement;
               (d) Statewide Longitudinal Student Data will be destroyed when it is no longer necessary for purposes of the data-sharing agreement or upon expiration of the agreement, whichever occurs first;
               (e) A service provider engaged to perform a function of instruction may be allowed to retain student transcripts as required by applicable laws and

rules and regulations. Destruction will comply with the NISTSP800-88 standards of data destruction;

(f) Unless an adult student or parent or guardian of a minor student provides written consent to disclose Statewide Longitudinal Student Data, Statewide Longitudinal Student Data may only be disclosed to a governmental entity not specified above or any public or private audit and evaluation or research organization if the data is aggregate data. "Aggregate data" means data collected or reported at the group, cohort, or institutional level and which contains no personally identifiable student data.

2. The District may disclose Statewide Longitudinal Student Data maintained in a Statewide Longitudinal Student Data system under the following guidelines:
   a. student directory information when necessary and the student's parent or legal guardian has consented in writing;
   b. directory information to an enhancement vendor providing photography services, class ring services, yearbook publishing services, memorabilia services, or similar services;
   c. any information requiring disclosure pursuant to state statutes;
   d. Statewide Longitudinal Student Data pursuant to any lawful subpoena or court order directing such disclosure; and
   e. Statewide Longitudinal Student Data to a public or private postsecondary educational institution for purposes of application or admission of a student to such postsecondary educational institution with the student's written consent.
3. If there is a security breach or unauthorized disclosure of Statewide Longitudinal Student Data of any student maintained on a Statewide Longitudinal Student Data system, each affected student or the parent or legal guardian of the student, if a minor, will be immediately notified, and an investigation into the causes and consequences of the breach or unauthorized disclosure will be conducted.
4. Biometric Data.
   a. The District will not collect biometric data from a student or use any device or mechanism to assess a student's physiological or emotional state, unless the adult student or the parent or legal guardian of the minor student consents in writing. "Biometric data" includes measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
   b. Nothing in this policy will prohibit the collection of audio voice recordings, facial expressions information, and student handwriting for:
      1) providing counseling or psychological services;
      2) conducting student threat assessments;
      3) completing student disciplinary investigations or hearings; or
      4) conducting child abuse investigations.

5. Select Student Surveys.

   a. No **nonacademic** test, questionnaire, survey or examination containing any questions about ~~a student's or the student's parents or guardians' personal beliefs or practices on issues such as sex, family life, morality or religion shall be~~ **the personal and private attitudes, values, beliefs, or practices of the student or student's parents, guardians, family members, associates, friends, or peers that is administered during the school day shall be** administered to any **kindergarten through 12th grade** student unless:

      1) the parent or guardian is notified in writing **not more than four months in advance of the administration of such test, questionnaire, survey, or examination that such is to be administered**; and

      2) the parent or guardian of the student gives **consent through** written ~~permission~~ or **electronic signature or, in the event of an immediate need, gives verbal consent** for the student to participate.

   b. ~~Nothing will prohibit school counselors from providing counseling services, including the administration of tests and forms as part of student counseling services. Any information obtained through such tests or counseling services will not be stored on any personal mobile electronic device which is not owned by the school district. Storage of such information on equipment not owned by the District is prohibited~~**. Advance notification to a parent or guardian must include:**

      1) **A copy of the test, questionnaire, survey, or examination that is to be administered;**

      2) **Information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey, or examination;**

      3) **The name of the company or entity that produces or provides the test, questionnaire, survey, or examination to the school; and**

      4) **Whether the school will receive or maintain the resulting data and an explanation of how the school intends to use and maintain such data.**

   c. ~~Students may be questioned as part of the following school functions:~~ **For written consent to be accepted, timely notice in compliance with the requirements of this policy must be provided, and the parent or guardian must have had an opportunity to review the information contained in the notice. Written consent must be provided separately for each individual test, questionnaire, survey, or examination that is to be administered. Prior to administering any such test, questionnaire, survey, or examination, a copy of it must be posted and maintained on the district's website.**

      1) ~~psychological services;~~

      2) ~~student threat assessments;~~

      3) ~~student suicide assessments;~~

      4) ~~student disciplinary investigations and/or hearings; or 5) child abuse inquiries.~~

      5) ~~Collection of such information in these limited circumstances is permitted without prior written consent of the parent, guardian or adult student.~~

d. **A student has the right to refuse to take any test, questionnaire, survey, or examination as described herein at any time, regardless of receipt of parent or guardian consent to participate. Prior to administering any such test, questionnaire, survey, or examination, each student shall be informed that such student has the right to refuse to take it and that the student will not suffer any adverse consequences based on refusal to participate.**

e. **No personally identifiable student data shall be collected through any such test, questionnaire, survey, or examination.**

f. **Except as otherwise provided in this policy, the provisions of this subsection shall apply to any test, questionnaire, survey, or examination as described herein that is administered or proposed to be administered to any student by any employee of a school district, including, but not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.**

g. **If, however, any district employee becomes aware that a student may be at risk of suicide by a credible report, designated school personnel may administer a suicide risk assessment or screening tool in accordance with the provisions of this subsection to determine whether the student could be at risk for suicide.**

   1) **A credible report may originate from the student, the student's peers, or another school district employee.**

   2) **Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.**

   3) **Prior to the administration of any such risk assessment or screening tool, the designated staff member shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain the consent of the parent or guardian.**

   4) **If the designated staff member is unable to verbally notify the parent or guardian of the student and obtain consent after reasonable attempts to do so, the designated staff member may administer the risk assessment or screening tool without such consent.**

   5) **If a risk assessment or screening tool is administered without the parent or guardian's consent, as soon as contact with the parent or guardian is made, the designated staff member shall notify the parent or guardian of the administration of such assessment or screening tool and provide to the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.**

Board counsel has approved this policy as to legal form and content.

Administrative Responsibility: Student Records and Enrollment Services

~~New Policy~~ **Latest Revision Date**: ~~July 2014~~ **April 2024** P5502

Previous Revision Date: July 2014

Updated administratively for alignment purposes: January 2021