

# Manhasset Union Free School District Board of Education Policy Manual

## 5550 STUDENT PRIVACY

### **Annual Notification**

At the beginning of each school year the District will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors (see Policy 8635 and Regulation 8635-R – Information and Data Privacy Security, Breach and Notification – and Exhibits 8635-E-1 – Parents' Bill of Rights for Student Data Privacy and Security and 8635-E-2 -Parents' Bill of Rights for Student Data Privacy and Security, Third Party Contractor Supplement). The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The Board recognizes its responsibility to enact policies that protect student privacy, in accordance with 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.

### **I. Surveys**

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. Political affiliations or beliefs of the student or the student's parent;
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
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the District plans to survey students to gather information included in the list above, 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.

## **II. Marketing**

It is the policy of the Board 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 the purpose of selling the information. 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 institutions such as:

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 in schools;
4. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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. Student recognition programs; and
6. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). For guidance regarding the disclosure of "directory information," rather than personal information, see policy 5500, Student Records.

## **III. Inspection of Instructional Material**

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional 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."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within thirty (30) calendar days after the request has been received.

**IV. Invasive Physical Examinations**

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 notification.

**V. Notification**

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in District schools of this policy. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

**Cross-ref:**                5420                Student Health Services  
                                     5500                Student Records

**Ref:**                        20 USC §1232h (No Child Left Behind Act)  
                                     34 CFR Part 98  
                                     Education Law §903  
                                     8 NYCRR §136.3(b)

**ADOPTED:**                October 8, 2020