

**Board of Education Policy**

**STUDENT PRIVACY**

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Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents/Guardians have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation, including those that are part of a U.S. Department of Education (DOE)–funded program. It is the policy of the Board not to permit the collection, disclosure, or use of personal information collected 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 as permitted by law.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA. No minor student may, without a parent’s or guardian’s consent (note: the consent may be retracted at any time prior to the administration of such survey, analysis or evaluation in accordance with the opt-out provisions described below), take part in a survey, analysis or evaluation that reveals information concerning:

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.

Parents/guardians and eligible students shall also have the right to inspect, upon their request, a survey created by a party other than the US Department of Education before the survey is administered or distributed by a school to a student. Such requests must be submitted, in writing, to the Building Principal with a response to be at least two weeks in advance of any survey to be given.

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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." Notwithstanding anything contained herein, parents and guardians have the right to view a student's education records in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 ("FERPA")

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 30 calendar days after the request has been received.

Marketing

Parent/guardians have the right to submit a written statement to opt their child out of participation in the collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information, or providing it to others for that purpose. Upon request to the Building Principal, parents/guardians have the right to inspect any such instrument before it is administered or distributed to their child. Upon receipt of such request, arrangements shall be made to provide access to such instrument to within 30 calendar days after the request has been received. 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:

- 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 in schools;
- d. 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;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

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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.

Notification of Policy

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 school 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

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|-------------------------|-----------|------------|------------|
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