BP-5145.15 (a)

STUDENT AND FAMILY PRIVACY RIGHTS

The School Board believes that personal information gathered from a student may be helpful or necessary to facilitate school safety, student welfare or the continued success of academic programs. However, these goals must be balanced with the expectations of privacy of our students and their families. The following procedures shall be followed so that parents may make informed choices regarding the disclosure or collection of personal information from their student.

Student Surveys

Note: *Federal law requires prior written parental consent before certain surveys may be administered to students. Effective June 30, 2017, AS 14.03.110 requires written parent permission before a school may administer, or permit to be administered in a school, a questionnaire or survey, whether anonymous or not. The following policy sets forth the notice and consent provisions required by law and identifies when parental consent and notices are required. Additionally, state law provides that no students may be required to participate in a questionnaire or survey if the student objects to participation.*

The School Board recognizes that student surveys administered in the public schools may be beneficial for the purposes of study, the improvement of education, for class assignment and to assist in providing guidance or counseling services to students and their families. In administering surveys or questionnaires to the District's students, the District shall comply with state and federal laws concerning parental notice and consent.

Surveys will not be administered without prior parental consent.

Annual Consent: The District may seek written parent/guardian permission, on an annual basis, for the administration of anonymous student surveys. Consent to anonymous surveys obtained annually will be valid until the beginning of the subsequent school year, or until written notice of withdrawal of consent is provided to the school administrator. Parents or guardians shall receive at least two weeks' notice prior to the administration of an anonymous questionnaire or survey.

Consent for Surveys that are Not Anonymous: Prior to the administration of a survey that is not anonymous the District shall obtain written permission from the parent/guardian at least two weeks prior to the survey.

Notice Requirements: At least two weeks prior to the administration of a questionnaire or survey, whether anonymous or not, that requires parental consent as identified above, the school shall provide each student's parent or legal guardian with written notice explaining:

1. How and where the parent may preview the survey.
2. How the survey will be administered.
3. How the survey results will be used.

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4. Who will have access to the questionnaire, survey or results; and
5. For those surveys which are not anonymous, explain that written parental consent is required before participation in the particular survey and include a permission form to be returned by the parents, with instructions that the form must be returned at least two weeks before the survey.

Instructional Material

A student's parent(s)/guardian(s) may inspect, upon their request, any instructional material used as part of their child's educational curriculum within a reasonable time of their request.

The term "instructional material" means instructional content that is provided to a student regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Physical Exams or Screenings

Note: *Effective June 30, 2016, provisions of AS 14.30.070 and the entirety of AS 14.30.120 require school districts to provide for or require each child to have a physical examination is repealed. The requirement that schools district provide vision and hearing screening examinations remains. AS 14.30.127. Although districts are no longer required to provide for and require physical examinations of every child attending school, the Department of Health and Social Services may require the district to conduct physical examinations it considers necessary and may reimburse the district for examinations. The federal Protection of Pupil Rights Act states that student's parent(s)/guardian(s) may refuse to allow their child or ward to participate in "non-emergency, invasive physical examinations or screening." 20 U.S.C. 1232(C)(2)(A)(ii).*

A student's parent(s)/guardian(s) may refuse to allow their child to participate in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance; and (c) not necessary to protect the immediate health and safety of the student, or of other students. 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.

The above paragraph does not apply to any physical examination or screening that:

1. Is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

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2. Is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 *et. seq.).*

3. Is otherwise authorized by board policy.

Collection of Personal Information from Students for Marketing

Note: *Federal law allows schools to collect personal information from students for marketing (20 U.S.C. 1232(c)(1)(E)), provided the board, by policy, allows parents to preview the instrument and opt their child out of the activity.*

The term "personal information" means individually identifiable information including: (1) a student or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) a telephone number, or (4) a Social Security identification number.

No school official or staff member shall administer or distribute to students a survey or other instrument for the purpose of collecting personal information for marketing or sale.

The above paragraph 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 the following:

1. College or other post-secondary education recruitment, or military recruitment.

2. Book clubs, magazines, and programs providing low cost literary products.

3. Curriculum and instructional materials used by elementary schools 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 students to raise funds for school-related or education-related activities.

6. Student recognition programs.

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Notification of Rights and Procedures

The Superintendent or designee shall notify parents(s)/guardians(s) of:

1. This policy, as well as its availability upon request.

2. How to opt their children out of participation in activities as provided in this policy. This notification shall be given to parents/guardians at least annually, at the beginning of the school year, and within a reasonable period after any substantive changes in this policy.

Legal Reference:

ALASKA STATUTES
14.03.110 Questionnaires and surveys administered in public schools
14.30.070 Physical Examination required
14.30.127 Vision and hearing screening examinations

UNITED STATES CODE
20 U.S.C. 1232h Protection of Pupil Rights Act

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