



Capital School District

Board of Education Policy

Section: Student
Title: Students' Rights Policy
Policy #: 700-28
Date Approved: 08/12/15
Date Revised: 08/06/15

Purpose:

I. FREEDOM OF EXPRESSION AND COMMUNICATIONS (Including all spoken, written, and artistic forms of communications)

The rights and responsibilities of students regarding freedom of speech, press, and action shall be in conformity with the safeguards established in the First Amendment to the United States Constitution and as interpreted and applied through decisions of the various courts. The following principles shall serve as guidelines in respect to freedom of expression:

Rights:

1. Students shall be free to express views and opinions provided they do not seek to coerce others to follow their mode of expression or interfere with the free expression rights of others during school hours.
2. Students shall be permitted to discuss and express all views relevant to the subject matter in the classroom limited only to the responsibility of the teacher to maintain order, to assure meaningful participation and to respect the contributions of all students.
 - a. Students are, however, responsible for learning the content of the subjects for which they have been scheduled or having themselves elected.
 - b. They are further responsible for meeting the performance standards of the subjects as established by the teachers and school officials. Requirements of class attendance, participation, and the submission of written assignments are important aspects of student responsibilities.
 - c. Students shall also be provided the opportunity to participate in discussions and develop recommendations to improve the curriculum through duly appointed representatives by the student council and staff.
 - d. Evaluation of student performance shall only be related to the achievement of the subject matter content, the understanding of processes, and the development and application of learning skills; penalties involving student achievement may not be imposed as a result of student actions outside of the subject matter study.
3. Students shall have the right to express themselves through direct and symbolic means as long as such expression:
 - a. Does not mock, demean, or ridicule other persons or groups;
 - b. Does not interfere with the scheduled activities or disrupt the educational process within the school;
 - c. Does not reflect obscenity, vulgarity, and inflammatory statements.
4. Students shall have the right to publish and distribute materials as long as such action or material:

- a. Does not endanger the health or safety of students;
- b. Does not threaten to disrupt the educational process;
- c. Does not reflect a libelous nature;
- d. Does not indicate a commercial purpose;
- e. Does not contain obscene and inflammatory statements;
- f. Does not involve an unauthorized use of district funds and materials.

The right to publish and distribute materials shall be accompanied by the following responsible actions:

- a. Designation of the person or persons who wrote and published the materials;
- b. Adherence to acceptable standards of journalism;
- c. Distribution of materials before and after hours;
- d. Display of materials on bulletin boards provided for students' use;
- e. Acceptance of the legal consequences for student expressions and publications.
- f. Distribution through permission of school administrators during regular school hours.

The school district must establish a committee composed of students, teachers, administrators, and lay representatives to develop standards and guidelines as to acceptable journalism and the definition of such as obscenity, vulgarity, inflammatory, and literary value. Definitions of these abstract terms will be the accepted definitions within the school district. Such guidelines shall be made known to all members of the school community. The development of standards and guidelines should preclude the necessity of prior censorship of publications.

Faculty advisors, appointed by the administration, may counsel students as to literary style, format, and suitability of materials.

5. Students shall have the right to hold peaceful assembly involving free discussion, passing of resolutions, and exercising lawful action pertaining to matters which directly concern their educational process.

The school administration may require that meetings or assemblages be held at times which will not disrupt classes or other scheduled school activities and will not present hazards to persons or property, and will avoid conflicts through advance notice of intent to hold meetings.

6. Students shall have the right to petition, on prescribed forms and with the permission of the student government, school officials regarding activities directly related to the conduct and improvement of the educational process and services. Such proposals should contain recommendations for constructive and responsible improvement and action, and should be given full consideration by school officials.

The school administration should require that signatures on petitions be so collected as not to create a distraction or to foster a disruptive influence.

II. STUDENT GOVERNMENT

Philosophical Basis

It is important to the maintenance and improvement of democratic institutions that students have the opportunity to participate effectively in the decision making processes necessary for developing responsible and productive citizens.

1. Students shall have the right to organize and conduct student council or government association activities that contribute toward the understanding and functioning of the objectives of the school system and assure an important role in the decision making affecting their educational betterment.

This right shall be emphasized within the guidelines and practices recommended by the National and State Associations, and within the rules and regulations established by the respective school districts; however, the following factors should be considered.

- a. The organization, operation, and scope of the student government shall be defined in a written constitution developed through effective student participation and approved at least once every three years by a majority of the students.
 - b. Student government shall function with respect to its constitutional and by-law provisions and within the regulation and policy of the Capital School District Board of Education, laws of the State of Delaware and the Constitution of the United States.
 - c. The school administration shall assure that all students have the right to vote and hold office as provided in Section 2 which follows.
 - d. The decisions of the government association shall not be influenced by the faculty and may not be arbitrarily vetoed by the administration. Appeal of a decision by students or staff should be reviewed by a committee composed of administrative, faculty, and student representatives to assure compliance with the purpose the student organization.
 - e. The student government organization shall be responsible to the needs and interests of all students and shall conduct open meetings to assure maximum involvement of students.
2. Students shall have the right to select officers and representatives from among the student body in accordance with the provisions established in the constitution of the student government association.

Provisions as to the qualifications of candidates should be as broad as possible to assure the greatest participation and representation of all students. Where candidates do not meet the established qualifications, opportunities should be provided to have student body representation on various committees and sub-committees.

3. Students shall have the right to recommend to the administration the name of a faculty advisor or sponsor selected by members of the student government organization.

The faculty advisors shall advocate that the purposes of the constitution are fulfilled and that the members develop rules and regulations within the framework of the school's philosophy without interference or domination from the school administration.

4. Students shall have the right to organize and conduct clubs and associations under the guidelines and recommendations established.

III. FREEDOM OF ASSOCIATION

The rights appropriate to students regarding freedom of expression imply further consideration of the right to associate for the fulfillment of common purposes, the interchange of ideas, and the improvement of human relations and intercultural understanding.

1. Students shall have the right to organize clubs and associations within the school for educational, civic, social, athletic, and other lawful purposes in accordance with the following guidelines;
 - a. Group membership shall not be denied to any student because of race, religion, nationality or sex.
 - b. Clubs or associations may require special qualifications for membership if such qualifications relate directly to the purpose of the group.
 - c. Groups with a constitution and by-laws should submit such documents along with a listing of officers to the school administration and student council. Amendments to the constitution and changes in the by-laws should also be submitted.
2. Students shall have the right to decide the nature, organization, and procedures for their clubs as long as such decisions do not threaten the health and safety of students or disrupt the educational process. Clubs and associations should be organized within the guidelines and policies established through an effective Student Council or student government organization.
3. Students shall recommend faculty advisors for their clubs and associations in order to assure appropriate leadership and supervision.

IV. STUDENT DRESS

Philosophical Basis

Just as most adult workplaces maintain standards of appropriate dress for their employees (for example; medical, military, and law enforcement uniforms; office attire, etc.), it is appropriate for the school to set standards of appropriate dress, both as the students' current workplace and in preparation for future success.

When students dress for school, they should do so with the attitude that they are preparing to do something important. The clothing they select to wear to school should appropriately reflect the entire academic, social, and safety demands of their workday. In no way should a student's attire

cause a distraction to the educational purposes of the school or create a potentially dangerous situation for the student or others.

1. No article of clothing or accessory may suggest sexual overtones or contain obscene, vulgar, profane, sacrilegious, discriminatory prints or graffiti or refer to or display alcohol, tobacco, or drugs.
2. Shoes or other appropriate footwear must be worn at all times. No slippers may be worn.
3. Proper undergarments must be worn at all times. Undergarments must not be visible. Pajamas (or look alikes) or loungewear must not be worn.
4. Tops will not reveal midriffs or cleavage. Muscle shirts, tank tops, apron tops, or spaghetti-strap tops, halter tops, tube tops, crop tops, mesh/fishnet or see-through materials or similar items are inappropriate in a school environment and are prohibited.
5. No shorts, skirts or dresses shorter than the wearer's fingertips with arms extended when arms are held at the sides with shoulders relaxed, or a five inch inseam, may be worn. Clothing may not be longer than floor length. Pants, shorts and skirts must be worn at the natural waistline (NO baggy pants).
6. Hats, caps, visors, and all other head coverings, including headbands, bandannas, picks, combs, earmuffs and "bad-hair-day" kerchiefs may not be worn inside any of the school buildings.
7. No outer garment that may be considered a coat may be worn in the classrooms or hallways.
8. Wallet chains, dog collars, and spiked bracelets or necklaces are prohibited.

All student violators will be sent to an administrator when necessary, if appropriate clothing cannot be found. Students will not be allowed to return to class until dressed appropriately. An associate principal or designee will make the final decision of appropriate dress. Failure to follow the dress code will result in disciplinary action.

Responsibilities

Students have the responsibility:

1. To follow district guidelines for dressing and grooming in a manner which shows cleanliness, promotes safety, and demonstrates respect for themselves and others.

Rights

Students have the right:

1. To dress and groom as they choose as long as they follow the guidelines set forth by the district.

V. STUDENT CONDUCT

The schools exist as social and educational institutions concerned with the objectives of providing learning activities which lead to the development of responsible and intelligent citizens. School officials are therefore granted the authority to maintain an orderly and non-threatening educational environment which considers student conduct and behavior as an essential and developmental aspect of the learning process.

1. Students shall have the right to participate within their ability in the development, implementation and modification of rules and regulations establishing appropriate conduct and behavior.
 - a. Such rules and regulations shall be developed through a representative committee composed of administrators, teachers, and students. The committee may be expanded to include parents and lay citizens.
 - b. Such rules and regulations should emphasize the constitutional rights of students to each other and respect for the school and school officials as defined by a student-faculty committee.
 - c. Such rules and regulations should be written in clear and precise language.
2. Students shall have the right to be informed about violations of rules and regulations and be granted the right to a hearing regarding serious offenses.
 - a. Minor infractions and misconduct may be handled through conferences with teachers, administrators, and parents.
 - b. Procedure for handling infractions may vary in formality in accordance with the seriousness of the action.
3. Students shall have the privilege to an education and any disciplinary action regarding their conduct which hampers that right shall be reasonable and within the laws of the State and the rules and regulations of the State Board of Education.
 - a. Disciplinary action shall be fair and appropriate to the infraction or offense.
 - b. Codes of conduct shall be meaningful.
4. Students shall have the right to appeal any disciplinary decision. The appeals procedure should be in writing and be made available to the entire school community each year.

VI. SUSPENSION AND EXPULSION

The preceding sections indicate that it is fundamental to the progress of a democratic nation that youth be provided with educational opportunities adapted to their interests and abilities and within the recognized needs of society. This further implies that equality of educational opportunity is both a right and a privilege established within the framework of a compulsory attendance law, which requires that persons between the ages of 5 to 16, with certain exceptions, be in school and be further permitted to continue in school until the age of 21.

Any administrative or disciplinary action which tend to restrict the above requirement should be conducted in accordance with acceptable standards of due process and should reflect, as broadly as possible, a learning experience which contributes toward the further educational development, responsibility, and maturity of the individual student, and corrects the situation producing the unacceptable behavior.

1. Short-term suspension involving from one to three days, shall usually be for the purpose of arranging a conference between the school, the parent and student to assure appropriate communication and mutual understanding.
2. Suspensions for periods from three to five school days shall be in accordance with the following considerations by the administrator:

- a. Conducting of a preliminary investigation to determine the facts associated with the infraction.
 - b. Informing the student of the charges against him/her and permitting him/her to discuss the matter.
 - c. Notifying the parents/legal guardians of the infraction.
 - d. Conducting a conference with the students and his/her parents/legal guardians and informing them of the impending action, and permitting questioning of the complaining persons.
 - e. Communicating with the parents/legal guardians through written correspondence of the action taken and the conditions or reasons for the suspension.
 - f. Providing the conditions under which the suspension will be terminated and recommending constructive means for improvement.
3. Exclusion for more than five school days shall be solely for the purpose of initiating through the local Board of Education proceedings for expulsion. A formal hearing is to be assured within a specified number of school days following the recommendation.

The following guidelines constitute recommended procedures for formal hearing:

- a. The accused student shall be informed of the charges against him/her and be apprised of his/her rights.
 - b. The parents/legal guardians of the student shall be informed through a written statement of the specific reasons for recommending expulsion and be apprised of the procedures for a formal hearing.
 - (1) The appearance before the Superintendent of Schools, or his/her designee, followed by the local board of education or their designee.
 - (2) The right to be represented by legal counsel or an advisor.
 - (3) The right to have witnesses and to cross-examine complaining witnesses.
 - (4) The right to either a public or private hearing.
 - (5) The right to testify and present evidence.
 - (6) The date of the proposed hearing.
 - c. The school officials shall assure that appropriate records of the hearing be kept and that the accused be provided a copy of the summary report.
 - d. The accused shall be informed by written notice of the decision rendered and the basis for such action.
 - e. The accused student shall have the right to appeal the final decision rendered and the basis for such action.
4. It shall be the responsibility of the school officials to provide appropriate educational opportunities for the accused during the period awaiting the scheduling and conducting of the formal hearing. Failure to provide educational alternatives presupposes guilt built before conviction.

5. It shall be the responsibility of school officials to establish standards so that there is substance to determine whether the readmittance of a student would either constitute a problem or disrupt the educational process.
6. It shall be the responsibility of the school officials to uphold on behalf of all students the constitutional rights thus established and to operate within the confines of both substantive and procedural due process of law regarding suspension and expulsion.

VII. DRUG POSSESSION AND USE

The possession and use of certain drugs not only represents a very serious violation of the Delaware laws but further contribute to the potential self-destruction and self-deprecation of the individual. All students are required to obey the laws of the State whether on school property or away from the school premises.

1. Students shall be forbidden from possessing, selling, transferring, and/or using any dangerous drugs or narcotics while in attendance at school, at activities sponsored by the school, or on school property.
2. Students shall be held responsible for the preceding actions and shall be subject to disciplinary proceedings whenever such violations are reported to the school administrator. Disciplinary action shall be in accord with the guidelines and procedures stated in Section VI regarding Suspension and Expulsion. Violation should be reported to the appropriate policy authority.
3. The re-admission of a student excluded for violations of laws pertaining to illegal possession, sell, transfer, and use of drugs shall depend upon approval granted by the local board of education and authorized school officials.
4. Students alleged to be under the influence of drugs or narcotics shall be treated for defiant behavior and possible illness. They should be remanded to their parents for examination by a medical person to determine the extent of influence. Exclusion from school may be recommended until referral to appropriate agencies has determined a change in behavior. Proceedings for any disciplinary action shall be in accord with the recommended guidelines and procedures.
5. Staff members should consult with the school principal as to recommendations regarding concerns relative to a student's involvement with drugs before taking affirmative action as to referral or assistance.
6. Students apprehended, under the full custody of detention authorities, or awaiting appearance before the judicial officials for alleged violations of drug or narcotic laws shall not be subjected to prejudgment by school officials through suspension or exclusion. Students should be permitted to attend school while awaiting a hearing or a verdict unless such attendance constitutes a clear threat or disruption to the educational process.

VIII. ROLE OF POLICE AUTHORITIES

The police authorities have a most vital responsibility in assuring the maintenance and enforcement of the various types of laws and ordinances. One of the primary aims is prevention and suppression of delinquent conduct through liaison with a variety of community agencies

concerned with the activities of youth. Cooperation provided by school officials contributes considerably toward the successful functioning of law enforcement officials or court officials.

1. Students shall not be subject to harassment or intimidation by police authorities while attending school.
2. Students shall be available for interrogation in the office of a school administrator when such request is received from law enforcement officials or court officials. Such questioning should observe the following guidelines:
 - a. The parent should be notified of the request (before the questioning) whenever possible;
 - b. The student should be apprised of the reasons for the questioning and his legal rights;
 - c. The principal or his designated representative should be present during the questioning session;
 - d. The procedural aspects of due process should be observed.
3. Students shall be released to the custody of police authorities whenever a warrant for such action is provided the school administrator.
4. School administrators or their designee will conduct a search of a student's locker whenever there is reason to believe that dangerous drugs, devices or weapons are present.
5. School administrators may search a student's locker under emergency or extreme circumstances, such as bomb threats, riot or imminent riot in the school, or suspected arson. A student's locker may also be searched at other times and shall be done with a witness present. A written record of any such action should be prepared and kept on file.
6. General searches of school property may be conducted by the school administration whenever there is appropriate cause.

IX. SEARCH AND SEIZURE

Philosophical Basis

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment to the U. S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. Student lockers are the property of the school and may be subject to search by an administrator at any time with reasonable suspicion to protect the health, safety, and welfare of others. Searches shall be based upon reasonable suspicion that the student's person or property contains prohibited substances, items, or material detrimental to the safety and welfare of other students or staff, or in violation of the law or rules of the Student Success Guide. Students are responsible and accountable for the contents of all items found in their lockers, book bags, purses, and any bags or containers used to carry personal property.

All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the police. All substances shall be sealed and

documented and, in the case of substances covered by 16 Del. C. Ch. 47, turned over to the police as potential evidence. A request for analysis shall be made where appropriate. (In case of medical emergency, substances should be made available for identification purposes.)

Responsibilities

Students have the responsibility:

1. To refrain from possessing or concealing any substance or objects which are prohibited or which may disrupt the educational process and/or school sponsored activities/events.
2. To monitor and control access to their lockers, motor vehicles, purses, book bags, or similar containers and to check regularly their contents.

Rights

Students have the right:

To privacy in their personal possessions unless the principal or designee has reasonable suspicion to believe that prohibited substances/objects are possessed or being concealed by the student.

X. MARRIAGE, PREGNANCY, AND PARENTHOOD

Philosophical Basis

Students who are married, expectant parents, or parents do not lose their right to a free public education. Students are encouraged to continue their education through appropriate programs designed to meet their special needs and circumstances.

Responsibilities

Students have the responsibility:

1. To attend school regularly or to take advantage of special programs designed to meet their needs even though they are married, expectant parents, or parents (students who are pregnant should seek professional medical advice regarding school attendance).
2. To be referred to a marriage, pregnancy, or parenthood agency for counseling if they request it at the parents' expense. A note is needed from the doctor after six months.

Rights

Students have the right:

1. To remain in the regular school program or to attend a special program designed to meet their educational needs.
2. To request counseling for marriage, pregnancy, or parenthood. A note is needed from the doctor after six months.

XI. DISCUSSION AND APPEAL PROCESS

In respect to the rights of students established through the guidelines in this regulation, it is thus the right and responsibility of both school officials and students to develop a functional and orderly procedure in every district through which consideration of student problems and concerns can be discussed and resolved quickly and equitably.

1. Students shall have the right to participate in recommending procedures through which discussion of student problems and concerns can be handled.

The procedures should be developed through a committee composed of students and faculty members. Representatives from the school administration and from the community should also be a part of this action-oriented committee.

2. Students shall have the right to discuss with faculty members matters of both educational and personal concern. This informal and private process should be followed in order to resolve differences and problems in a friendly and cooperative manner.
3. Students shall have the right to appeal in writing matters of educational and personal concern to the school principal should discussion with the staff members not resolve the issue.
4. The right of appeal regarding educational and personal problems shall extend to the school superintendent and the local board of education.

It is the purpose of discussion and appeal procedures to provide access to appropriate school officials within a reasonable time. It is not the purpose to provide a forum through which trivialities, irresponsible actions, and non-related school issues are conveyed. In this context it is recommended:

1. That as many student problems and concerns as possible be handled through committees established by the Student Council or government organization or through direct communication with a staff member.
2. That only issues of utmost concern be brought before a Student-Faculty Committee for review and disposition.
3. That only unresolved issues of major importance be appealed to the school administration for consideration and action.

XII. COUNSELING

Philosophical Basis

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Schools share the responsibility to provide counseling services for students and to inform students of services provided by other agencies.

Responsibilities

Students have the responsibility:

1. To identify and/or report personal or school related problems, concerns or issues to appropriate staff, counselors/advisors.
2. To use counseling services for their educational and personal development, where appropriate.
3. To schedule appointments in advance unless the problems or concerns are of an emergency nature. (Parents/guardians and students have the responsibility of providing information that may be useful in making intelligent educational decisions.)
4. To use counselors'/advisors' services for personal or school related problems, concerns or issues.

Rights

Students have the right:

1. To be accurately informed as to the nature, kind, or type of guidance services available in their school and community.
2. To receive/be referred to appropriate counseling for personal and educational problems within a reasonable amount of time
3. To have access to counselors/advisor on the staff.

XIII. CURRICULUM**Philosophical Basis**

Highly qualified professionals collaborate to produce curricula that are consistent with established standards and best practices in a given subject area. Textbooks are selected based on the extent to which they support an established curriculum.

Rights

Students have the right:

1. To have access to clear and precise course descriptions.
2. To participate in courses and programs appropriate to their individual needs at all grade levels.
3. To study any issue which relates to their course and which is within their level of maturity and within the scope of the course and students shall have access to all available information that relates to course objectives.

XIV. GRADING POLICY**Philosophical Basis**

Grades are one indicator of the student's learned knowledge or skill proficiency at a particular time. A student's grades should reflect the teacher's best assessment of the student's achievement, based upon the course requirements for a given class.

Responsibilities

Students have the responsibility:

1. To ask for an explanation of a grading system which they do not understand.
2. To attain standards of academic performance according to their ability.
3. To share all notices of unsatisfactory progress with their parents/guardians and to make every effort to improve their performance.
4. To conduct themselves in a manner which fosters a good learning environment.
5. To present assignments when due.

Rights

Students have the right:

1. To receive a written copy of a teacher's grading system at the beginning of each course.
2. To receive an academic grade that is based on the teacher's grading system and reflects the student's academic achievement.

3. To request and receive written notification of unsatisfactory progress in a reasonable amount of time.
4. To have grades used positively and not as a disciplinary tool.
5. To be given appropriate notice of assignment due date.

XV. HARRASSMENT

Philosophical Basis

The Capital School District's intent is to foster human dignity in our schools. Harassment of any type contradicts that ideal. No student shall be subject to any type of harassment/bullying.

Responsibilities

Students have the responsibility:

1. To communicate directly to the person that their behavior is unacceptable and they want him/her to stop.
2. To inform and seek the advice of a teacher, counselor, or school administrator.
3. To report the information to the principal if the situation is not resolved.

Rights

Students have the right:

1. To learn in an environment free from bullying and/or harassment/sexual harassment.

XVI. SAFETY

Philosophical Basis

All students who attend the Capital School District have the right to attend school in a safe and orderly environment where they are encouraged to learn.

Responsibilities

Students have the responsibility:

1. To show respect for other people's ideas, values, and heritage.
2. To resolve conflicts in an appropriate manner.
3. To notify school personnel if they have knowledge of any weapon(s) on school property.

Rights

Students have the right:

1. To learn in an environment free from the threat or act of psychological or physical violence.

XVII. (FERPA) FAMILY EDUCATION RIGHTS AND PRIVACY ACT

The Family Education Rights and Privacy Act (FERPA) affords parents/guardians, and students over 18 years of age, the following rights:

Inspection and Review

Parents /guardians may submit to the school principal a written request identifying records they wish to inspect. The principal will notify them of the time and place at which records may be inspected. Access shall be provided within 45 days of the receipt of the request.

Amendment of Records

Parents/guardians may ask the District to amend a record they believe is inaccurate by submitting to the principal a written request identifying the part of the record they want changed and

specifying why it is inaccurate. If the District denies the request, the District will notify them of the decision, advise them of the right to a hearing, and provide the hearing procedures.

Disclosure without Consent

Disclosure of personally identifiable contents in students' education records requires parent/guardian consent. Some exceptions apply including the following:

1. Such records may be disclosed to school officials with legitimate education interests. School officials include District employees; the District Board members; a person or company retained by the District to perform a special task (for example, an attorney, auditor, medical consultant, or therapist); or a parent/guardian or student serving on a committee or assisting another school official. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill a professional responsibility.
2. The District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll upon request from the receiving district.

Complaint

Parents/guardians may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA by submitting a complaint to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

XVIII. (PPRA) PROTECTION OF PUPIL RIGHTS AMENDMENT

The Protection of Pupil Rights Amendment (PPRA) affords parents/guardians, students who are 18, and emancipated minors the following rights regarding the district's conduct of surveys, collection and use of information for marketing purposes, and certain physical examinations.

Protected Information Surveys

The District is required to obtain consent permitting a child to participate in certain school activities, or parents/guardians may elect to opt out of such activities. These activities, known as protected information surveys, include a student survey, analysis, or evaluation concerning one or more of the following:

1. Political affiliations or beliefs of the student or student's parent/guardian
2. Mental or psychological problems of the student or student's family
3. Sexual behavior or attitudes
4. Illegal, anti-social, self-incrimination, or demeaning behavior
5. Critical appraisals of others with whom respondents have close family relationships
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
7. Religious practices, affiliations, or beliefs of the student or parents/guardian
8. Income, other than as required by law to determine program eligibility

Notice of Opportunity to Opt Out

The District will notify parents of the dates of the following activities and provide an opportunity to opt a student out of participating in such activities:

1. Any protected information survey, regardless of funding source
2. Any non-emergency invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the

immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or physical examination or screening permitted or required under State law

3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing, to sell or otherwise distribute the information to others

Inspection

Parents/guardians may, upon request, inspect the following:

- Protected information surveys of students
- Instruments used to collect personal information from students for marketing, sales, or other distribution purposes
- Instructional materials used as part of the educational curriculum

Adoption of Policies

The District will adopt policies, in consultation with parents/guardians, regarding these rights as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will notify parents/guardians of these policies at least annually at the start of each school year and after any substantive changes.

Complaint

If parents/guardians believe their rights have been violated, they may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SE
Washington, DC 20202-4605