

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

po2416

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2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The School Board respects the privacy rights of parents and their children. No student shall be required as a part of the school program or the School Corporation's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, the student's parent, to submit to or participate in any personal analysis, evaluation, or survey that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- A. political affiliations;
- B. religious beliefs or practices;
- C. mental or psychological conditions that may embarrass the student or the student's family;
- D. sexual behavior or attitudes;
- E. illegal, anti-social, self-incriminating, or demeaning behavior;
- F. critical appraisals of other individuals with whom the student has a close family relationship;
- G. legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or
- H. income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program).

The written consent form for a personal analysis, an evaluation, or a survey described above shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey. The Board directs the Superintendent to develop a procedure for distribution of the written consent form.

Additionally, no student shall be required, without prior written consent of the student, if an adult or emancipated minor, or the student's parent if an unemancipated minor, to submit to or participate in any personal analysis, evaluation, or survey administered by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings. A request for written consent shall include an explanation of the reasons for a personal analysis, evaluation, or survey administered by a third party vendor. The Corporation or school shall post a copy of a personal analysis, evaluation, or survey administered by a third party vendor on the Corporation or school website.

If the Corporation or a school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the Corporation or school shall not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student.

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials used in connection with and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials used in connection with and all materials related to personal analyses, evaluations, or surveys.

The term "instructional materials" means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

The Board shall notify parents and students of the above rights.

A parent of the student or the student, if the student is an adult or an emancipated minor, may submit a complaint for a violation of policies and procedures related to personal analyses, evaluations, or surveys under the grievance procedures described in Policy 5710 - Student Complaints and Policy 9130 - Public Complaints and Concerns.

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third party vendor does not comply with the requirements in I.C. 20-26-21, the third party vendor has committed a breach of contract.

See also Policy 2221 - Mandatory Curriculum

The Board prohibits the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parental Notification Regarding Identification

The Corporation shall, in compliance with I.C. 20-33-7.5, notify at least one (1) parent, if the student is an unemancipated minor, of a request made by the student to change the student's name or the pronoun, title, or word used to identify the student. This notification shall be made within five (5) business days after a school receives the request from the student.

This notification provision may not be construed to require a school psychologist, a school nurse, a school social worker, or a school counselor to violate a Federal law or regulation.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the welfare of the child).

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Legal

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I.C. 20-33-7.5

20 U.S.C. 1232g

20 U.S.C. 1232h

34 C.F.R. 98.3