The superintendent shall ensure that all notification and other requirements of state law and the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students.

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic Survey

   For purposes of this policy, the following are considered a "protected topic":

   a. political affiliations or beliefs of the student or the student's parent;

   b. mental or psychological problems of the student or the student's family;

   c. sex behavior or attitudes;

   d. illegal, anti-social, self-incriminating, or demeaning behavior;

   e. critical appraisals of other individuals with whom respondents have close family relationships;

   f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

   g. religious practices, affiliations, or beliefs of the student or the student's parent; or

   h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

   For purposes of this policy, a "protected topic survey" is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

2. Rules Regarding Protected Topic Surveys

   a. Protection of Student Privacy

      The school system will take measures to protect the identification and privacy of students participating in any protected topic survey. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

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b. Parental Notification and Consent

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys. At least 10 days prior to the administration of a protected topic survey, parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey.

~~Parents will be provided notice of the opportunity to opt out of any protected topic survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey.~~ Before a student will be permitted to participate in any ~~other~~ protected topic survey, the parent or eligible student must provide prior written consent.

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B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy 4020, Parental Involvement.

If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2, also apply.

C. OTHER SURVEYS CREATED BY A THIRD PARTY

Parents and eligible students have the right, upon request, to inspect any other survey created by a third party before the survey is administered or distributed to a student.

D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules for the collection, disclosure, and use of personal student information do not apply if the school system collects, discloses, or uses personal information 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 postsecondary education recruitment or military recruitment;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional material used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools 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 services to raise funds for school-related or education-related activities; and

6. student recognition programs.

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E. OTHER RELEVANT POLICIES

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 4020, Parental Involvement; 3210, Parental Inspection of and Objection to Instructional & Supplementary Materials; 3470, Student Records; and 5240, Advertising in the Schools.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -76.45(a)(3), -76.65, -402.15

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