

Students

**PROTECTION OF STUDENT PRIVACY-  
Surveys, Certain Physical Examinations, and Parental Access to Information**

The Board of Education is committed to protecting the privacy rights of students in the school district in a manner consistent with the Protection of Pupil Rights Amendment (PPRA). The PPRA establishes the parameters that school districts must follow whenever personal information is collected from students as part of a survey, analysis, evaluation or certain types of physical examinations. Parents also have the right to inspect surveys and instructional materials that concern student information of a protected nature.

For the purpose of this policy, the term “parent” includes parents, guardians or other persons 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). The term also includes students who are age 18 or older, since the rights of the parent transfer to the student at age 18.

**I. Student Surveys**

A. Protected areas of information

The following eight categories are considered “protected areas” for the purpose of collection of student information by survey, analysis and evaluation:

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, 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; or
8. Income, other than as required by law to determine program eligibility.

B. Prior written consent for federally funded surveys revealing protected information

Written consent of a parent must be obtained prior to participation of any student in a survey or evaluation that is funded in whole or in part by the U. S. Department of Education if the survey elicits information concerning any of the eight protected areas listed in Section A above.

C. Opportunity to opt-out of other surveys revealing protected information

For surveys not funded in any part by the federal government, parents need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed in Section A above.

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**II. Collection of student information for marketing purposes**

A. Opportunity to opt-out of marketing surveys or data collection

The school district shall offer parents the opportunity to opt their child out of activities involving 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. “Personal information” is defined as individually identifiable information including: 1) a student’s or parent’s first and last name; 2) a home or other physical address, 3) a telephone number; or 4) a social security number.

B. Exceptions

The requirements concerning these activities do 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 postsecondary education recruitment, or military recruitment;
2. Book clubs, magazines, and programs providing access to low-cost literary products;
3. Curriculum and instructional materials 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;
5. The sale by students of products or services to raise funds for school-related or education-related activities; and
6. Student recognition programs.

**III. Administration of Physical Examinations and Screenings**

A. Opportunity to opt-out of certain physical examinations

The school district shall offer an opportunity for parents to opt their child out of participating in any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and 3) not necessary to protect the immediate health and safety of the student, or of other students. An “invasive physical examination” is defined as 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.

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B. Exceptions

This provision does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screening permitted without parental notification.

**IV. Parental Access to Information**

Parents shall have the right to review, upon request, any survey that concerns one or more of the eight protected areas, any instructional materials used in connection with any survey that concerns one or more of the eight protected areas, any instrument used in the collection of personal information for marketing or sales purposes and any instructional material used as part of the educational curriculum for the student. “Instructional material” is content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital format, but does not include academic tests or academic assessments.

**V. Notification**

1. Parents will be given notice of their rights under the PPRA and this policy annually, at the beginning of each school year, and within a reasonable period of time after any substantive changes are made.
2. Parents shall be provided with reasonable notification (at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time) and given an opportunity to opt his or her child out of participation in the following specific activities:
  1. Surveys (not funded by the federal government) that elicit information concerning any of the eight protected areas listed in Section I(A);
  2. Activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes;
  3. Any non-emergency, invasive physical examination or screening as defined in Section III.

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**VI. Administrative Regulations**

The Superintendent of Schools shall develop administrative regulations - in consultation with parents - to implement this policy including any specific arrangements to protect student privacy, notification forms and the process for parents to inspect surveys, instruments for collecting marketing data and instructional materials.

Legal References: 20 U.S.C. §1232h Protection of Pupil Rights Amendment  
34 C.F.R. Part 98 (PPRA regulations)

**Notification of Rights**  
**Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, 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; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of -

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam 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 any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use -

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The school district has adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The school district will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The school district will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or

survey. The school district will make this notification to parents at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5901