

## **Student Privacy**

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a US Department of Education (DOE)-funded program. In addition, no minor student may, without parental consent, take part in a survey, analysis or evaluation funded in whole or in part by the US DOE Education that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent;
- or,
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the building principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

It is the policy of the board not to permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This 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 as permitted by law.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

Parents/guardians have the right to submit a written statement to opt their child out of participation in the following activities:

*NOTE: "Personal Information" means individually identifiable information including a student's or parent's first and last name, home address, telephone number or Social Security Number. 20 USC 1232h(c) (6) (E)*

1. the collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information, or providing it to others for that purpose. Upon request, parents/guardians have the right to inspect any such instrument before it is administered or distributed to their child. This 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:
  - a. college or other post secondary education recruitment;
  - b. military recruitment;
  - c. books clubs, magazines and programs providing access to low-cost literary products;
  - d. curriculum and instructional materials used in schools;
  - e. tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information for 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;
  - f. student recognition programs; and,
  - g. the sale by students of products or services to raise funds for school-related activities.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

2. the administration of any survey revealing information concerning one or more of the following:
  - 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).

Parents/guardians and eligible students, shall also have the right to inspect, upon their request, a survey created by a party other than the US DOE before the survey is administered or distributed by a school to a student. Such requests must be submitted in writing to the building principal with a response to be at least two weeks in advance of any survey to be given.

*NOTE: 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 injecting into the body, but does not include a hearing, vision or scoliosis screening. It does not apply to any physical examination or screening required or permitted under state law, including those permitted without parental notification. 20 USC 1232h (c) (4) (B). For example, each student shall have a physical exam given by the school doctor or family physician upon entrance to school at grades 1, 3, 7 and 10 in accordance with Section 903 of the State Education Law.*

*The law also requires each school district to state its policy on the administration of physical examinations or screenings that the school may administer to a student (see, for example, Sample Policy 5420 “Student Health Services”). Each school district should cross-reference their policy on that topic here.*

3. the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.