

The Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment, 20 USC 1232h, specifies that information collected from students through surveys, research, analysis or evaluation funded by the U.S. Department of Education must be available for parents/guardians to review.

Inspection

Any parent may inspect, upon request, any instructional material used as part of the educational curriculum and all instructional materials, including teachers' manuals, films, tapes or other supplementary material, that will be used in connection with any survey, analysis or evaluation as part of any applicable program. Further, a parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student. See also Policy 8065 Student Privacy Policy. The term "instructional material" does not include academic tests or academic assessments.

In general, the district will not collect, disclose or use personal student information for the purpose of marketing or selling that information or otherwise providing the information to others.

Consent Required

In accordance with law, no student, as part of any program wholly or partially funded by the U.S. Department of Education, shall be required to submit to a survey, analysis or evaluation (hereafter referred to as "protected information survey") that reveals any of the following information without written consent of a parent:

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. Sexual behavior or attitudes;
4. Illegal, antisocial, self-incriminating or demeaning behavior;
5. Critical assessments of other individuals with whom students have close family relationships;
6. Legally recognized privileged or analogous relationships, like those of lawyers, physicians or 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.

Notice and Opportunity to Opt Out of the Requirements

In addition to Board Policy 8065, parents will receive prior notice and an opportunity to opt a student out of:

1. Any other protected information survey, as defined above, regardless of the funding source;

- 2. Any nonemergency, 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, or**
- 3. any physical exam or screening permitted or required under state law, except for hearing, vision or scoliosis screenings; or**
- 4. Activities involving the collection, disclosure or use of personal information obtained from students for marketing, selling or otherwise distributing information to others.**

The district will directly notify parents at the beginning of the school year of the specific or approximate dates during the school year when the above-listed activities will occur or are expected to be scheduled.

Notification of Policy and Privacy

Parents will be directly notified 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 the policy.

The district will take measures to protect the identification and privacy of the students participating in a protected information survey, regardless of the source of funding. These measures may include limiting access to the completed surveys and the survey results as allowed by law. All student educational records will be protected in accordance with law and Board Policy No. 8250 Student Records and Administrative Regulation No. 8250-1, Collecting, Maintaining, and Releasing Information from Student Records.

The provisions of this policy applicable to parents will transfer to a student who is 18 years old or emancipated.