

6.21 SCREENINGS, SURVEYS, AND PHYSICAL EXAMINATIONS

Parents and students eighteen (18) years of age, or emancipated students, are entitled by Federal law to be notified of the use of surveys funded by the U.S. Department of Education to collect protected information and to receive notice of the right to opt out of certain surveys, physical examinations, and the collection, disclosure, or use of personal information for marketing purposes, and to inspect protected information surveys, the instruments used to collect personal information from students for marketing purposes, and certain instructional material.

Therefore, all instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the District's children.

In accordance with the requirements of the No Child Left Behind Act and the Pupil Protection Rights Amendment, this policy has been developed in consultation with parents prior to its adoption.

For the purposes of this policy, the following definitions shall apply:

- A. Instructional Material – means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- B. 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 injection into the body, but does not include a hearing, vision, or scoliosis screening.
- C. 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).
- D. Personal Information – means individually identifiable information including:
 - 1. A student or a parent's first and last name;
 - 2. A home or other physical address (including street name and the name of the city or town);
 - 3. A telephone number; or
 - 4. A Social Security identification number

E. Survey – Includes an evaluation

Survey, Analysis, or Evaluation

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation funded in whole or in part by a program of the U.S. Department of Education that reveals information concerning any of the following without prior consent of the student (if the student is an adult student or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent:

- 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 the 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 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).

Inspection by Parent of Survey Created by a Third Party

Parents or eligible students shall be permitted to inspect a survey created by a third party before it is administered or distributed by the District to a student. These same procedures apply to the inspection of any survey containing one or more of items A-H above.

- A. Any parent wishing to inspect the survey or questionnaire shall submit a written request to the Superintendent or designee.
- B. The request shall identify, as specifically as possible, the material to be inspected. The Superintendent or designee reserves the right to ask the parent to amend or supplement the request if the request is vague or too general.
- C. The parent shall be provided an opportunity to inspect the survey or questionnaire no later than ten (10) school days after the District receives the parent's written request.

- D. The parent shall be contacted to schedule a mutually convenient time to inspect the survey or questionnaire.

Privacy Protection

The following arrangements have been made to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of items A-H above.

- A. The student's parent shall be notified of the survey prior to it being submitted to the student.
- B. The completed surveys will be kept in a location in which only persons who are deemed by the Superintendent or designee to have legitimate educational interests shall be permitted to view the results of the survey. Those persons with legitimate educational interests shall include, but not be limited to: the Superintendent and other administrative personnel, members of the Board, and appropriate pupil services personnel.
- C. No person shall release, cause to be released, reproduce, or cause to be reproduced or otherwise be permitted to disclose the results of any of the above-described completed surveys, except as otherwise permitted by law and this policy.

Inspection of Instructional Material

Parents and students of an appropriate age shall be permitted to inspect, upon the parent's or student's request, any instructional material used as part of the educational curriculum for the student:

- A. Any parent wishing to inspect any instructional material used as part of the educational curriculum for their child shall submit a written request to the Superintendent or designee.
- B. The request shall identify, as specifically as possible, the material to be inspected. The Superintendent or designee reserves the right to ask the parent to amend or supplement the request, if the request is vague or too general.
- C. The parent shall be provided an opportunity to inspect the material no later than ten (10) school days after the District receives the parent's written request.
- D. The parent shall be contacted to schedule a mutually convenient time to inspect the material.

Physical Examinations or Screenings

Physical examinations or screenings that the District may administer shall be administered as follows:

- A. If time permits, the parent shall be notified in writing of the District's intent to conduct a physical examination or screening. If time does not permit, the District shall contact the parent by telephone or in person.
- B. The screening or examination shall not occur without the parent's written or verbal consent.
- C. A physical examination or screening shall only be conducted by a licensed physician, nurse, or other person deemed to have proper medical training.

These requirements do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification. These requirements also do not apply to a physical examination or screening administered to a student in accordance with the Individuals with Disabilities Education Act.

Collection, Disclosure, or Use of Personal Information for the Purpose of Marketing

The methods set forth below will be used for 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), including arrangements to protect student privacy that are provided by the agency in the event of such disclosure or use.

- A. The parent of a student shall have the right to inspect, upon request, any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
 - 1. Any parent wishing to inspect any instrument used in the collection of personal information as described above shall submit a written request to the Superintendent or designee.
 - 2. The request shall identify, as specifically as possible, the instrument to be inspected. The Superintendent or designee reserves the right to ask the parent to amend or supplement the request if the request is vague or too general.
 - 3. The parent shall be provided an opportunity to inspect the instrument no later than ten (10) school days after the District receives the parent's written request.
 - 4. The parent shall be contacted to schedule a mutually convenient time to inspect the instrument.

- B. Only directory information as defined in Board Policy 6.20 shall be released for the purpose of marketing or for selling the information, and only if the parent or adult student has not otherwise prohibited its release either under this or any other Board policy or law. Any information which is not categorized as directory information will only be released with the parent or adult student's written consent.

- C. The organization collecting the information, or to which it is given by the District, must certify that it will not disclose the information except as otherwise permitted by law.

These methods 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:

- A. College or other post-secondary education recruitment, or military recruitment;
- B. Book clubs, magazines, and programs providing access to low-cost literary products;
- C. Curriculum and instructional materials used by elementary schools and secondary schools;
- D. 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;
- E. The sale by students of products or services to raise funds for school-related or education-related activities;
- F. Student recognition programs.

Parent or Adult Student Notification

Parents of a student shall be directly notified annually, at the beginning of each school year, of the specific or approximate dates during the school year when the activities set forth below are scheduled or expected to be scheduled. Parents of a student, and for the purposes of an activity described in paragraph A below, in the case of a student of the appropriate age, shall also have the opportunity to opt out of participation in the activities set forth below:

- A. 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).
- B. The administration of any survey containing one or more of the following items:

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 the respondents have close family relationships;
 6. Legally-recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 7. Religious practices, affiliations, or beliefs of the student or 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).
- C. Except for screenings, the PPRA specifically exempts, 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.

Parents of a student shall be provided annual notice of the existence of this policy and their rights pursuant to this policy at the beginning of each school year and within a reasonable time after any substantive change in the policy.

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

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

A. **Consent:** Written parental consent will be obtained before minor students are required to submit to a survey that is funded in whole or in part by a program of the U.S. Department of Education (ED) and that reveals information concerning:

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 student's parents; or
8. Income, other than as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

B. *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.

C. *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.

The Board of Education has developed policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

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

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-4605

Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.