

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following protected areas:

- a) Political affiliations or beliefs of the student or the student's parent or guardian;
- 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 student's parent or guardian; 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).

The PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA) and does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents or guardians under PPRA transfer from the parent or guardian to the student when the student turns 18 years old or is an emancipated minor under applicable state law.

The BOCES may use funds provided under Part A of Title IV of the Elementary and Secondary Education Act of 1965 to enhance parental or guardian involvement in areas affecting the in-school privacy of students.

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Annual Parental Notification of Policies/Prior Written Consent/Opt-Out Provisions

The BOCES will provide for reasonable notice of the adoption or continued use of this policy directly to parents or guardians and eligible students enrolled in the BOCES. At a minimum, the BOCES will provide this notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the BOCES will offer an opportunity for parents or guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- a) The administration of any survey containing one or more of the protected areas.
 - 1. U.S. Department of Education-Funded Surveys: prior written consent from parents must be obtained before students are required to submit to the survey.
 - 2. Surveys funded by sources other than U.S. Department of Education: notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his or her child out of participating upon receipt of the notification.
- b) 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).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during the examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Specific Notification

In the event that the BOCES does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it will directly notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his or her child out of participation in accordance with law and the surveys conducted.

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U.S. Department of Education-Funded Surveys

The BOCES is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The BOCES will make instructional materials available for inspection by parents or guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the BOCES will obtain prior written parental or guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

The BOCES has developed and adopted this policy, in consultation with parents or guardians, regarding the following:

- a) The right of the parent or person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents or guardians to inspect the surveys are to be submitted, in writing, to the building principal prior to the administration or distribution of any survey. Further, the BOCES will grant a request by the parent or guardian for reasonable access to the survey within a reasonable period of time after the request is received by the BOCES.
- b) Arrangements will be provided by the BOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the protected areas, including the right of the parent or guardian of the student to inspect, upon request, any survey containing one or more of the protected areas. These requests must be submitted by the parent or guardian, in writing, to the building principal prior to the administration or distribution of any survey.
- c) Parents or guardians will be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time after the request is received by the BOCES. Requests must be submitted by parents or guardians, in writing, to the principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual 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.

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Students

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- d) The administration of physical examinations or screenings that the BOCES may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the BOCES incorporates by reference Board policies that address student health services, as applicable, including, but not limited to, policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated or authorized in accordance with federal or state law or regulation, it is policy of the Board, to not permit the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian's first and last name, home address, telephone number, or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the District Superintendent or designee.

This law is not intended to preempt applicable provisions of state law that require parental or guardian notification.

These requirements 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:

- 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 these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;

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- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g, as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7242 -- Military Recruiters and Institutions of Higher Education
#7513 -- Medication and Personal Care Items