

STUDENT AND FAMILY PRIVACY RIGHTS

The Board of Education respects the rights of District students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. ~~The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.~~

*(cf. 5020 - Parent Rights and Responsibilities
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.8 - Research)*

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

- 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 and secondary schools*
- 4. Tests and assessments 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 for such tests and assessments*

*(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)*

- 5. The sale by students of products or services to raise funds for school-related or education-related activities*

(cf. 1321 - Solicitation of Funds from and by Students)

- 6. Student recognition programs*

(cf. 5126 - Awards for Achievement)

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

In addition, the Superintendent or designee may collect, disclose, or use a student's individually

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

- 1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose*
- 2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families*
- 3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:*
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children*
 - b. Instructional materials used as part of their children's educational curriculum*
- 4. Any nonemergency physical examinations or screenings that the school may administer*

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committee)

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

~~The regulations shall, at a minimum, address the following: (20 USC 1232h)~~

- ~~1. Whether the district may collect the personal information of students for marketing or sale~~
- ~~2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families~~
- ~~3. The rights of parents/guardians to inspect:~~

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

- a. ~~Survey instruments requesting information about their personal beliefs and practices or those of their children~~
- b. ~~Instructional materials used as part of their children's educational curriculum~~
- 4. ~~Whether the district may administer any nonemergency invasive physical examination or screening~~
- 5. ~~Notifications that the district will provide to students and parents/guardians with respect to their privacy rights~~

~~The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)~~

~~(cf. 0420—School Plans/Site Councils)~~

~~(cf. 1220—Citizen Advisory Committee)~~

~~(cf. 1230—School-Connected Organizations)~~

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Legal References:

EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of pupil information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpcio>

USD OE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpcio/>

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Policy amended: May 20, 2020

Policy amended: August 11, 2011

Policy adopted: March 5, 2009

STUDENT AND FAMILY PRIVACY RIGHTS

Collection of Personal Information for Marketing or Sale

Personal information for marketing or sale means individually identifiable information, including a student's or parent/guardian's first and last name, home or other physical address (including street name and the name of the city or town), telephone number, or social security identification number. (20 USC 1232h)

District staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

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 and secondary schools~~
4. ~~Tests and assessments 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~~

~~(cf. 6162.51—Standardized Testing and Reporting Program)~~

5. ~~The sale by students of products or services to raise funds for school-related or education-related activities~~

~~(cf. 1321—Solicitation of Funds from and by Students)~~

6. ~~Student recognition programs~~

~~(cf. 5126—Awards for Achievement)~~

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, *or a student who is an adult or emancipated minor*, shall provide prior written consent before the student *is required to participate* participates in a survey *inquiring about* containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family *parent/guardian*
2. Mental or psychological problems of the student or his/her family

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Notwithstanding the above requirements *for prior written consent*, the district may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, *in writing*, that their child not participate. (Education Code 51938)

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

~~If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.~~

~~(cf. 6162.8 - Research)~~

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time ~~of~~ *after* receiving a *parent/guardian's* request, the principal or designee shall permit a parent/guardian to view a *the* survey *or other document he/she requested.* ~~instrument or instructional material.~~ A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, *unless an applicable state law authorizes the student to provide consent without parent/guardian notifications.* (20 USC 1232h)

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 properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.3 - Health Examinations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation *and the accompanying Board policy*
3. The specific or approximate dates during the school year when the following activities are scheduled:

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

- a. Survey requesting personal information
- b. Physical exams or screenings
- e. ~~Collection of personal information from students for marketing~~

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation amended: May 20, 2020

Regulation amended: August 11, 2011

Regulation approved: March 5, 2009