

**INSTRUCTION**

**2140**

Student and Family Privacy Rights

Surveys - General

Surveys requesting personal information from students, as well as any other instrument used to collect personal information from students must advance or relate to the District's educational objectives as identified in Board policy. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

Any noncurricular-related survey, well-being questionnaire, or health screening must be approved by the Superintendent or designee before it is administered by an employee to any student. For the purposes of this policy, noncurricular survey shall mean surveys other than those conducted as part of a student's course of study.

Personally identifiable information from student education records may be disclosed to an educational agency or institution in order to:

1. Develop, validate, or administer predictive tests; 2. Administer student aid programs; or
3. Improve instruction.

In such cases, the school or District shall enter into a written agreement with the receiving organization. The study must not allow identification of individual parents or students by anyone other than representatives of the organization with legitimate interests in the information and the information must be destroyed when it is no longer needed for study purposes.

Surveys Created by a Third Party

Before the District administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request.

This section applies to every survey:

1. That is created by a person or entity other than a District official, staff member, or student;
2. Regardless of whether the student answering the questions can be identified; and
3. Regardless of the subject matter of the questions.

## Surveys Requesting Personal Information

School officials and staff members shall not request, or disclose, the identity of any student who completes ANY survey containing one or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Behavior or attitudes about sex;
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 with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian; 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.

In the case of such surveys, the student's parent(s)/guardian(s) may:

1. Inspect the survey within a reasonable time of the request, and/or
2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercises this opt out option.

In the case of surveys, tests, or measuring devices on the following topics, the survey shall be provided to the parent(s)/guardian(s) and written parental permission shall be obtained before the survey is administered to the student.

1. A student's sexuality;
2. Sex;
3. Religion;
4. Personal political beliefs;
5. Mental or psychological problems;
6. Personal family information; and
7. Individual or family financial information

For the purposes of this policy, personal family information means any of the information in this list or any personally identifiable information as defined in Policy 3575 about a student or any of their immediate relatives.

The employee overseeing any test, measurement device, survey, questionnaire, or screening for which such permission is required shall maintain documentation that all required parental and/or administrative permission has been given.

### Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum.

The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, 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.

### Collection of Personal Information from Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including:

1. A student's or 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. Telephone number; or
4. A Social Security identification number.

The District shall not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The District, however, is not prohibited from collecting, disclosing, or using 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:

1. College or other post-secondary 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 schools 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;

5. The sale by students of products or services to raise funds for school-related or education related activities; and
6. Student recognition programs.

### Notification of Rights and Procedures

The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability from the District office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when an opt-out survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

This notification shall be given parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18 years of age or is an emancipated minor.

*NOTE: This policy must be adopted in consultation with parents per 20 U.S.C. § 1232h(c)(1). Therefore, ISBA recommends that, at a minimum, Boards specifically note this on their meeting agendas and request public comment prior to adoption.*

Cross Reference: § 2520	<u>Selection, Adoption, Use, and Removal of</u> Curricular Materials
§ 3200	Student Rights and Responsibilities
§ 3500	Student Health, Physical Screenings, and Examinations
§ 3575	Student Data Privacy and Security
§ 4175	Required Annual Notices
§ 4250	Education Research

Legal Reference: 20 U.S.C. 1232(h)  
34 C.F.R. Part 99

FERPA: Protection of Pupil Rights  
Implementing FERPA

### Policy History:

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