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3 **INSTRUCTION**

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5 Student and Family Privacy Rights

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7 Surveys - General

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

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14 Surveys Created by a Third Party

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

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20 This section applies to every survey: (1) that is created by a person or entity other than a District
21 official, staff member, or student, (2) regardless of whether the student answering the questions
22 can be identified, and (3) regardless of the subject matter of the questions.

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24 Surveys Requesting Personal Information

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26 School officials and staff members shall not request, nor disclose, the identity of any student who
27 completes ANY survey containing one (1) or more of the following items:

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29 1. Political affiliations or beliefs of the student or the student’s parent/guardian;
30 2. Mental or psychological problems of the student or the student’s family;
31 3. Behavior or attitudes about sex;
32 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
33 5. Critical appraisals of other individuals with whom students have close family
34 relationships;
35 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
36 physicians, and ministers;
37 7. Religious practices, affiliations, or beliefs of the student or the student’s parent/guardian;
38 8. Income (other than that required by law to determine eligibility for participation in a
39 program or for receiving financial assistance under such program).

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41 The student’s parent(s)/guardian(s) may:

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

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4 Instructional Material
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6 A student’s parent(s)/guardian(s) may, within a reasonable time of the request, inspect any
7 instructional material used as part of their child’s educational curriculum.
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9 The term “instructional material,” for purposes of this policy, means instructional content that is
10 provided to a student, regardless of its format, printed or representational materials, audio-visual
11 materials, and materials in electronic or digital formats (such as materials accessible through the
12 Internet). The term does not include academic tests or academic assessments.
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14 Collection of Personal Information From Students for Marketing Prohibited
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16 The term “personal information,” for purposes of this section only, means individually
17 identifiable information including: (1) a student’s or parent’s first and last name, (2) a home or
18 other physical address (including street name and the name of the city or town), (3) telephone
19 number, or (4) a Social Security identification number.
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21 The District will not collect, disclose, or use student personal information for the purpose of
22 marketing or selling that information or otherwise providing that information to others for that
23 purpose.
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25 The District, however, is not prohibited from collecting, disclosing, or using personal
26 information collected from students for the exclusive purpose of developing, evaluating, or
27 providing educational products or services for, or to, students or educational institutions such as
28 the following:
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- 30 1. College or other post-secondary education recruitment or military recruitment;
- 31 2. Book clubs, magazines, and programs providing access to low-cost literary products;
- 32 3. Curriculum and instructional materials used by elementary schools and secondary
33 schools;
- 34 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or
35 achievement information about students (or to generate other statistically useful data for
36 the purpose of securing such tests and assessments) and the subsequent analysis and
37 public release of the aggregate data from such tests and assessments;
- 38 5. The sale by students of products or services to raise funds for school-related or education-
39 related activities;
- 40 6. Student recognition programs.
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42 Notification of Rights and Procedures
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44 The Superintendent or designee shall notify students’ parents/guardians of:
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- 46 1. This policy as well as its availability from the administration 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 a 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 eighteen (18) years of age or is an emancipated minor.

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

Cross Reference: 2311 Instructional Materials
 3200 Student Rights and Responsibilities
 3410 Student Health

Legal Reference: 20 U.S.C. 1232h Protection of Pupil Rights

Policy History:

Adopted on: 2/25/08

Reviewed on:

Revised on: