

*Existing policy with suggested modifications.*

## **Instruction**

### **Conducting Surveys in Schools**

The New Fairfield Board of Education recognizes the need for individuals in the school community to collect input in order to assist in decision-making related to curriculum and instruction, program development, and operations. The Board of Education (Board) recognizes its responsibility to enact policies that protect student privacy in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams. To this end, the Board supports the use of appropriate surveys in accordance with the following guidelines:

- ◆ The Superintendent of Schools or his/her designee must approve all surveys before they are conducted.
- ◆ Prior to administering a survey, the Board of Education must approve all those that are received by the Superintendent including any reference to the following:
  - Political affiliation or beliefs of the student or the student's parent's;
  - Mental or psychological problems of the student or the student's family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating and demeaning behavior;
  - Critical appraisals of other individuals with whom respondents have close family relationships;
  - Legally recognized privileges or analogous relationships, such as those of lawyers, physicians, ministers; and
  - Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program; and
  - Religious practices, affiliations, or beliefs of the student or the student's parent.
- ◆ The Board decision to approve must be based on the need for the survey results and the potential ramifications of conducting such surveys. The results of such surveys must be shared with the Board of Education.
- ◆ Parents must be notified at least two weeks in advance of any surveys that require Board of Education approval that will be given to their children and must be given the opportunity to deny in writing their children's participation in survey completions. Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student.

## Instruction

### Conducting Surveys in Schools (continued)

#### Marketing

It is the Board's policy not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does 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 postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities or education-related activities.

#### Invasive Physical Examinations

**Note:** *The term "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.*

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

#### Inspection of Instructional Material

Parents/guardians of a student shall also have the right to inspect and review upon written request to the Building Principal, any instructional material used as part of the educational curriculum. The District shall grant access to instructional material within a reasonable period of time, identified as within 30 calendar days, after a parental request is received.

## Instruction

### Conducting Surveys in Schools (continued)

#### Notification

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in District schools. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Legal Reference: ~~P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act)~~

~~P.L. 107-110, (HR 1 "Leave No Child Behind") § 1061/1062 — Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors. (20 U.S.C. §1232h)~~

Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232h  
Protection of Pupil Rights Amendment, as amended by the Every Student Succeeds Act, Pub. L. 114-95

Regulation 34 CFR Part 99 (PPRA Regulations)

Policy adopted: June 21, 2001  
Policy revised: December 2, 2004  
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

~~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:~~

- ~~• **Consent** before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)~~
  - ~~1. Political affiliations or beliefs of the student or student's parent;~~
  - ~~2. Mental or psychological problems of the 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 parents; or~~
  - ~~8. Income, other than as required by law to determine program eligibility.~~
- ~~• **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.~~
- ~~• **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.~~

~~[School District will/has develop[ed] and adopt[ed] policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. [School District] will directly notify parents and eligible students of these policies at the beginning of the school year and after any substantive changes. [School 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 listed below and provide an opportunity to opt a student out of participating. Parents will also be provided an opportunity to review any pertinent surveys.~~

- ~~• Collection, disclosure, or use of personal information for marketing, sales or other distribution.~~
- ~~• Administration of any protected information survey not funded in whole or in part by ED.~~
- ~~• 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~~

~~\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut~~

~~WRITTEN CONSENT OF STUDENT SUBMISSION TO  
SURVEYS, PERSONAL ANALYSIS, OR EVALUATIONS~~

~~(This form is to be used to provide as required by federal law written consent of a student's parent or guardian to the student's participation in a survey, a personal analysis, or an evaluation.)~~

~~Name of Student: \_\_\_\_\_~~

~~Address: \_\_\_\_\_~~

~~Grade/School Year: \_\_\_\_\_ Birthdate of Student: \_\_\_\_\_~~

~~Name of Student's Parent or Guardian: \_\_\_\_\_~~

~~Address of Parent or Guardian: \_\_\_\_\_~~

~~The survey, personal analysis, or evaluation reveals the following information: (check all those applicable)~~

- ~~Political affiliations or beliefs of the student or the student's parent.~~
- ~~Religious beliefs, practices, or affiliations of the student or the student's parent.~~
- ~~Mental or psychological conditions that may embarrass the student or his/her family.~~
- ~~Sexual behavior and attitudes.~~
- ~~Illegal, anti-social, self-incriminating or demeaning behavior.~~
- ~~Critical appraisals of other individuals with whom the student has a close family relationship.~~
- ~~Legally recognized privileged or confidential relationships, including a relationship with a lawyer, physician, or minister.~~
- ~~Income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.)~~

~~A copy of the personal analysis, survey, or evaluation is attached for your review.~~

~~I, (name of parent/guardian of student), consent to the participation of (name of student) in the attached survey, personal analysis, or evaluation.~~

~~\_\_\_\_\_  
(Signature of Parent/Guardian) \_\_\_\_\_ (Date)~~

\_\_\_\_\_  
\_\_\_\_\_  
**PUBLIC SCHOOLS**  
**\_\_\_\_\_, Connecticut**

**~~RIGHT TO INSPECT CERTAIN INSTRUCTIONAL MATERIAL~~**

~~In addition to any other rights with respect to the inspection of instructional materials, the parent or guardian of a child enrolled in a school within the \_\_\_\_\_ School Corporation which receives funds from the United States Department of Education either directly or indirectly, shall be entitled to inspect those instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any school program or curriculum.~~

~~Any complaints arising under this policy may be submitted in accordance with the policy for parental (public) complaints.~~

~~Legal Reference: 20 U.S.C. 1232h(a)~~

**~~STUDENT SUBMISSION TO REQUIRED SURVEYS,  
ANALYSIS, OR EVALUATIONS OF SCHOOL PROGRAMS~~**

~~No student shall be required without prior written consent of the student's parent or guardian, as part of any school program or curriculum which receives funds from the United States Department of Education, to submit to a survey, analysis, or evaluation which reveals information concerning:~~

- ~~(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 respondents have close family relationships;~~
- ~~(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;~~
- ~~(7) religious practices, affiliations or beliefs of the student or the 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).~~

~~Legal Reference: 20 U.S.C. 1232h(b)~~