

RESOLUTION 25-032-Approval of Amended Board Policy KAB- Parental Rights

Background: This update is in response to the approval of Resolution 25-025-Affirming MESD's Commitment to Gender Expansive and Transgender Youth. The Board Policy Committee reviewed identified policies for gender-related language in alignment with the Board's recent resolution and made minor updates to three policies that lacked the language affirming the right to privacy regarding gender identity.

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee reviewed and discussed Board Policy KAB-Parental Rights; and

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee recommends that the Board adopt Policy KAB-Parental Rights; and

BE IT FURTHER RESOLVED, that if no further discussion is required, Board Policy KAB-Parental Rights is approved as proposed and does not require a second reading.

Multnomah Education Service District

Code: **KAB**
Adopted: 12/20/05
Amended/Readopted: 2/19/13; 6/10/25

Parental Rights

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining MESD and student needs for educational services, and in program development and MESD operations. To assist in this effort, and in accordance with the No Child Left Behind Act of 2001 (NCLBA), MESD affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed to a student, including any MESD survey containing "covered survey items"¹ as defined by the NCLBA;
2. Any instructional material used as part of the educational curriculum for the student; and
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

In accordance with the Protection of Pupil Rights Amendment (PPRA) and the Family Educational Rights and Privacy Act (FERPA), MESD will maintain strict confidentiality of student education records and personal information. No student-identifying information will be disclosed to third parties without appropriate consent, except as permitted by law.

Students' privacy will be protected when surveys, assessments, or data collection tools address sensitive subjects such as political beliefs, mental health, income, religious practices, or family matters. Surveys of this nature will require prior notice and the opportunity for parents to opt their student out, consistent with federal law.

¹Covered survey items under the NCLBA include one or more of the following items: political affiliations or beliefs of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

As provided by law, parents will also, upon request, be permitted to excuse their student from “covered activities”² as defined by the NCLBA. The rights provided to parents under this policy, transfer to the student when the student turns 18 years old, or is an emancipated minor under applicable state law.

The Superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in MESD programs. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

The Superintendent and Cabinet shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and MESD procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

The Superintendent and Cabinet shall develop administrative regulations for implementing the policy, including provisions to:.

- Ensure appropriate notification to parents of their rights under federal and state laws;
- Establish procedures to request review of covered materials;
- Allow excusal of a student from participation in covered activities;
- Uphold and safeguard student privacy and data security, particularly in relation to survey distribution, recordkeeping, and third-party disclosures.

END OF POLICY

Legal Reference(s):

²Covered activities requiring notification under the NCLBA include 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; the administration of any survey containing one or more of covered survey items; and any non-emergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

[ORS 332.107](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.