

The superintendent shall ensure that all notification and other requirements of the Protection of Pupil Rights Amendment are met, ~~along with any other including all~~ legal requirements regarding the surveying of students.

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic

~~For purposes of this policy, the following are considered a The school system must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education funded survey, analysis or evaluation that reveals information concerning the following~~ “protected topics”:

- ~~a. 1-~~political affiliations or beliefs of the student or the student’s parent;
- ~~b. 2-~~mental or psychological problems of the student or the student’s family;
- ~~c. 3-~~sex behavior or attitudes;
- ~~d. 4-~~illegal, anti-social, self-incriminating or demeaning behavior;
- ~~e. 5-~~critical appraisals of other individuals with whom respondents have close family relationships;
- ~~f. 6-~~legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- ~~g. 7-~~religious practices, affiliations or beliefs of the student or the student’s parent; or
- ~~h. 8-~~income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

2. Rules Regarding Surveys Involving Protected Topics

~~Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.~~

a. Protection of Student Privacy

The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the

protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics ~~that are not funded in whole or in part by the Department of Education~~. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. ~~Parents also will have the opportunity to opt their children out of participating in the survey(s).~~

c. Parental Consent

Before a student is required to participate in any Department of Education-funded survey, analysis or evaluation that reveals information concerning a protected topic, the parent or eligible student must provide prior written consent.

If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.

B. THIRD PARTY SURVEYS

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student.

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B-C. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the board approves a collection, disclosure or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student and (3) offer the parent the opportunity to opt out of the collection, disclosure or use of the student's personal information.

The preceding rules for the collection, disclosure and use of personal student information do not apply. However, ~~if the~~ school system ~~may collect, disclose or uses such~~ personal information from students ~~if the information is used~~ 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 postsecondary education recruitment or military recruitment;
2. book clubs, magazines and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools 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.

~~If the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information before it is administered or distributed to a student.~~

~~C.D.~~ PARENT INVOLVEMENT OTHER RELEVANT POLICIES

~~In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement: 3210, Parental Inspection of and Objection to Instructional Materials: 4700, Student Records; and 5240, Advertising in the Schools. The board and superintendent will work with parents to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected topic; (3) parental rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure or use of personal information for marketing or selling purposes.~~

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, ~~h~~, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials

(policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700),
Advertising in the Schools (policy 5240)

Adopted: November 13, 2012

Revised: