

It is the intent of the Board to comply with the provisions of the federal Pupil Privacy Rights Amendment (PPRA) governing the administration of certain student surveys, analyses, or evaluations funded in whole or in part by the U.S. Department of Education.

Definitions: As used in this policy, the following terms shall mean:

“Invasive physical examination” means a 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.

“Personal information” means individually identifiable information including a student’s or parent’s name, address, telephone number, or social security number.

“Instructional material” means instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.

“Parent” means a natural or adoptive parent, a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of a child).

Student Rights: The rights provided to parents under the Pupil Rights Amendment and this policy transfer to the student when the student turns 18 years old, or is an emancipated minor under applicable Vermont law.

Policy: No student shall be required, without parental consent, to take part in a survey, analysis, or evaluation funded by the U.S. Department of Education that reveals information concerning:

- 1. Political affiliations or beliefs of the student or student’s parents.**
- 2. Mental or psychological problems of a student or student’s family.**
- 3. Sex behavior or attitudes.**
- 4. Illegal, anti-social, self-incriminating and demeaning behavior.**
- 5. Critical appraisals of other individuals with whom student respondents have close family relationships.**
- 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or members of the clergy.**
- 7. Income (other than that required by law to determine eligibility for participation in a program for receiving financial assistance under such program).**
- 8. Religious practices, affiliations, or beliefs of the student or the student’s parents.**

Parents shall have the right to inspect any survey created by a third party before the survey is administered or distributed to a student. Requests for inspection shall be in writing, and shall be made in sufficient time to allow a response at least two weeks in advance of any survey to be given.

Parents shall be notified at least annually, at the beginning of the school year or when enrolling students for the first time in district schools, of this policy. The notification shall explain that

parents/guardians or students 18 years of age or older, have the right to “opt out” of the following activities:

- 1) The collection, disclosure, and use of personal information gathered from students for the purpose of marketing or selling that information. 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 services for or to students, 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 school.**
  - D) **Tests and assessments.**
  - E) **Student recognition programs.**
  - F) **The sale by students of products or services to raise funds for school-related activities.**
- 2) **The administration of any survey that includes the subject areas listed above.**
- 3) **The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school that is not necessary to protect the immediate health or safety of a student or other students, and not otherwise permitted or required by state law.**

Parents shall be notified through U.S. Mail, e-mail or other direct means,\* at least annually at the start of each school year, of the specific or approximate dates of any activities described in subparagraphs 1-3 above, and shall be provided an opportunity to opt out of participation in those activities.

Parents shall have the right to inspect, upon request, any instructional material used as part of the educational curriculum.

The Superintendent or his or her designee shall develop administrative procedures as required to ensure implementation of this policy.

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

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\* Note: The direct notification requirement in this policy is federally mandated. See 20 U.S.C. §1232h(c)(2)(B)

Date Drafted: 5/23/05

Dated Warned: 12/14/05 & 1/12/06

Date Adopted: 2/9/06

Legal Reference(s): Statute: 20 U.S.C. §1232h. Regulations: 34 CFR Part 98.

Cross Reference: