

STUDENTS

Student And Family Privacy Rights

The Inyo County Board of Education respects the rights of Inyo County Superintendent of Schools (ICSOS) students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when ICSOS requests, retains, discloses, or otherwise uses the personal information of its students and their families.
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether ICSOS may collect the personal information of students for marketing or sale
2. How ICSOS will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
4. Whether ICSOS may administer any nonemergency invasive physical examination or screening
5. Notifications that ICSOS will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

Legal Reference:

EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

BOARD POLICY:

First/Second Reading/Adoption: June 19, 2007

Revised: May 17, 2011

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Collection of Personal Information for Marketing or Sale

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

ICSOS staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

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 materials used by elementary and secondary schools
4. Tests and assessments 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
6. Student recognition programs

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

Notwithstanding the above requirements, ICSOS may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health

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risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any ICSOS student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
AR 5022(d)
2. Any instructional material to be used as part of his/her child's educational curriculum (*cf.* 5020 - *Parent Rights and Responsibilities*)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

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 properly authorized hearing, vision or scoliosis screening. (20 USC 1232h) (*cf.* 5131.61 - Drug Testing) (*cf.* 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h) (f. 5145.6 - Parental Notifications)

1. The ICSOS policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this

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- policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical exams or screenings

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

ADMINISTRATIVE REGULATION:

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