

# **Board Policy 2140: Protection of Pupil Rights (PPRA) Policy – Student Status: ADOPTED & Family Privacy Rights – Student Surveys & Medical Exams**

**Original Adopted Date: September 17, 2024 | Last Reviewed Date:**

The Protection of Pupil Rights Act (PPRA) affords certain rights to parents and students eighteen (18) years of age or older (“eligible students”) with regard to surveying of students, the collection and use of information from students for marketing purposes, and certain non-emergency medical examinations.

The PPRA requires that parents or eligible students be directly notified at least annually at the beginning of the school year, by direct mailing, e-mail, website, or etc., of their right to consent or opt-out of the participation in certain school activities and the specific or approximate dates of each activity. For surveys and activities scheduled after the school year starts, parents will be provided with reasonable notification of the planned activities and surveys listed below and an opportunity to opt their child out of such activities and surveys.

In an effort to protect and honor expectations of student privacy, Mountain Home School District No. 193 (MHSD) will ensure that student information is safeguarded and used only by appropriate educational authorities to serve the best interest of the student.

## **DEFINITIONS**

**Eligible Student** – A student over the age of eighteen (18) or an emancipated minor under Idaho law.

**Instructional Material** – Instructional material that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). This does not include academic tests or academic assessments.

**Invasive Physical Examination** – is defined as 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.

**Personal Information** – means individually identifiable information, including a student’s or parent’s first and last name; a home or other physical address (including a street name and the name of the city or town); a telephone number; or a social security number.

**Personal Family Information** – means any of the information in the enclosed list below or any personally identifiable information as defined in Policy 3575 about a student or any of their immediate relatives.

**Aggregate Data** – means data collected and/or reported at the group, cohort, or institutional level.

## **Surveys - General**

Surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the District’s educational objectives as identified in Board policy. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

Any non-curricular-related survey, well-being questionnaire, or health screening must be approved by the Superintendent or designee before it is administered by an employee to any student. For the purposes of this policy, non-curricular surveys shall mean surveys other than those conducted as part of a student's course of study.

Prior written parental consent will be obtained before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning any of the eight protected areas.

Personally identifiable information from student education records may be disclosed to an educational agency or institution in order to:

1. Develop, validate, or administer predictive tests;
2. Administer student aid programs; or
3. Improve instruction.

In such cases, the school or District shall enter into a written agreement with the receiving organization. The study must not allow identification of individual parents or students by anyone other than representatives of the organization with legitimate interests in the information and the information must be destroyed when it is no longer needed for study purposes.

#### Surveys Created by a Third Party

Before the District administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request.

This section applies to every survey:

1. That is created by a person or entity other than a District official, staff member, or student;
2. Regardless of whether the student answering the questions can be identified; and
3. Regardless of the subject matter of the questions.

#### Surveys Requesting Personal Information

School officials and staff members shall not request, nor disclose, the identity of any student who completes ANY survey containing one or more of the following protected items:

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Behavior or attitudes about sex;
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 with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian; or
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

These requirements do not supersede any of the requirements of FERPA.

Parents will receive notice and 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.

In the case of such surveys, The student's parent(s)/guardian(s) may:

1. Inspect the survey within a reasonable time of the request, and/or
2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercises this opt out option.

In the case of surveys, tests, or measuring devices on the following topics, the survey shall be provided to the parent(s)/guardian(s) and written parental permission shall be obtained before the survey is administered to the student.

1. A student's sexuality;
2. Sex;
3. Religion;
4. Personal political beliefs;
5. Mental or psychological problems;
6. Personal family information; and
7. Individual or family financial information.

For the purposes of this policy, personal family information means any of the information in this list or any personally identifiable information as defined in Policy 3575 about a student or any of their immediate relatives.

The employee overseeing any test, measurement device, survey, questionnaire, or screening for which such permission is required shall maintain documentation that all required parental and/or administrative permission has been given.

### Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum.

### Collection of Personal Information from Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including:

1. A student's or parent's first and last name;
2. A home or other physical address, including street name and the name of the city or town;
3. Telephone number; or
4. A Social Security identification number.

The District shall not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The District, however, is not prohibited from collecting, disclosing, or using 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 the following:

1. College or other post-secondary 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 schools 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; and
6. Student recognition programs.

### Notification of Rights and Procedures

The PPRA requires that parents or eligible students be directly notified at least annually at the beginning of the school year, by direct mailing, e-mail, website, or etc., of their right to consent or opt-out of the participation in certain school activities and the specific or approximate dates of each activity. For surveys and activities scheduled after the school year starts, parents will be provided with reasonable notification of the planned activities and surveys listed below and an opportunity to opt their child out of such activities and surveys.

The school building Administrators shall notify students' parents/guardians of:

1. This policy as well as its availability from the school buildings and the District office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when an opt-out survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

This notification shall be given to parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student when the student turns 18-years of age or is an emancipated minor.

### **RIGHT TO INSPECT**

Upon request, parents or eligible students have the right to inspect prior to any administration or use: protected information surveys of students; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; any instructional materials used in connection with any survey that concerns one or more of the protected areas; and any instructional material used as part of the educational curriculum for the district.

This does not apply to academic tests or academic assessments.

<b>Legal References</b>	<b>Description</b>
IC § 33-133	Definitions – Student Data – Use and Limitations – Penalties
IC §33-6001	Parental Rights
20 USC § 1232(h)	FERPA: Protection of Pupil Rights
34 CFR Part 98.3	Access to instructional material used in a research or experimentation program
34 CFR Part 99	Implementing FERPA
The Protection of Pupil Rights Amendment (PPRA)	<a href="https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance">https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance</a>

<b>Cross References Code</b>	<b>Description</b>
2120	Program Evaluation and Diagnostic Tests
2130	Research Studies
2500	Library Materials
2520	Selection, Adoption, Use, and Removal of Curricular Materials
3200	Student Rights and Responsibilities
3281	Gender Identity and Sexual Orientation
3500	Student Health/Physical Screenings/Examinations
3500-F(1)	Student Health/Physical Screenings/Examinations - Notice of Health Services
3575	Student Data Privacy and Security
4160	Parents Right-to-Know Notices
4175	Required Annual Notices
4250	Educational Research in District Schools