

ACCESS TO INSTRUCTION MATERIAL AND STUDENT SURVEYS
The Protection of Pupil Rights Amendments (PPRA)

Under the federal legislation entitled Protection of Pupil Rights Amendments (PPRA), parents and students have certain rights to inspect materials used in connection with surveys funded by the United States Department of Education. Further, under the PPRA, all instructional material which will be used in connection with any survey, analysis or evaluation funded in whole or in part by any program administered by the United States Department of Education must be made available for inspection by the parent or guardian of students. The PPRA is found at 20 USC 1232h(b). This section states:

a. Limits on surveys, analysis, or evaluation

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning --

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

Further, currently under federal regulations pursuant to the PPRA, 34 CFR 98.4 provides for prior consent to evaluation in certain circumstances.

Recent changes in the PPRA require the Board of Education to adopt an comprehensive policy regarding protection of student information. This policy is an addition to the policy required under the Family Education Rights and Privacy Act.

Included within the policy must be the following:

1. The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students.

2. Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey, if the survey contains one or more of the same eight items of information noted above.
3. The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students.
4. The administration of physical examinations or screenings that the school may administer to students.
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose.
6. The right of parents to inspect, upon request, any instrument used in the collection of information, as described in number 5.

Additional regulations under the PPRA give parents the right to prevent their student from undergoing psychological examination, testing or treatments designed to reveal information listed in the categories on page 115 without prior written consent.

As an example - a teacher gives a writing assignment which asks a student to tell about what the student did last summer. Such an assignment could fit within the regulations critical appraisals of other or subsection (2), psychological problems particularly embarrassing to the family. Because the assignment is directly related to academic instruction, the Hatch Amendment would not apply. If the school psychologist gave the student the same assignment, then the Hatch Amendment could apply because the assignment is not directly related to instruction and was assigned to affect behavioral or attitudinal characteristics.

The Board of Education recognizes that student surveys are a valuable tool in determining student's needs for educational services. Parents have the right to inspect all instructional materials that will be used for a survey analysis or evaluation as part of a US Department of Education – funded program. In addition, no minor student may, without parental consent, take part in a survey analysis or evaluation funded in whole or in part by the United States Department of Education that reveals information concerning:

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

Parents have the right to inspect upon their request any survey instrument or instructional material, which is used as part of the educational curriculum. Instructional material is defined by the Board of Education as instructional content that is provided to a student regardless of format including printed or representational materials, audiovisual materials, materials in electronic or digital formats (such as materials accessible through the internet). It does not include tests or academic assessments.

A parent who wishes to inspect and review instructional material shall submit a request in writing to the building principal. Upon receipt of such request, arrangements will be made by the building principal to provide the parent access to instructional materials requested within 30 calendar days after the request has been received by the principal.

It is the policy of the Board of Education not to permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services.

Parents shall also have the option upon provision of written notice to the district to opt the student out of any non-emergency, invasive physical examination or screening of their student which is required as a condition of attendance administered by the school or school personnel. The term invasive physical examination mean any medical examination that involve exposure of private body parts or any act during such examination that includes incision, insertion or injecting into the body but does not include a hearing, vision or scoliosis screening. Further, it does not include any examination necessary to protect the immediate health or safety of the student or other students.

Parents and eligible students shall be notified of the policy at least annually at the beginning of the school year and when enrolling students for the first time in school.

Adoption date: April 18, 2006

