

Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

Policy

The Board of Education recognizes the staff's need to collect input from students and parents in order to assist decision-making related to curriculum and instruction, program development and operations. To this end, the Board supports the use of appropriate surveys in accordance with the guidelines contained within this policy.

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians or students 18 years or older, have the right to "opt the student out of participation," in writing, in 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 products or 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 schools;
 - d. Tests and assessments;
 - e. Student recognition programs; and
 - f. The sale by students of products or services to raise funds for school-related activities.
2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed below; or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and no otherwise permitted or required by state law.

Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum. Prior to administering a survey, the Superintendent, or his/her designee will review any survey requests that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sexual behaviors 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. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations, or beliefs of the student or the student's parent.

Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

Overall survey results following decisions must be shared with all parties who request such information.

Administration is charged with enforcing and monitoring the requirements in this policy.

This policy supersedes any previous policy pertaining to the above.

Legal Reference: Connecticut General Statutes

1-19(b) (11) Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parent or guardians to student's records.

10-154a Professional communications between teacher or nurse & student.

10-209 Records not to be public.

10-221b Boards of education to establish written uniform policy re:
treatment of recruiters.

11-8a Retention, destruction and transfer of documents

11-8b Transfer of disposal of public records. State Library Board to adopt regulations.

46b-56(e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.123g).

Dept. of Education 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. Implementing FERPA enacted as part of 438 of General Education. Provisions act (20 U.S.C. 123g)-parent and student privacy and other rights with respect to USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g) (5) (B) and 2331.

PL 107-110 "No Child Left Behind Act of 2001" Sections 5208 and 9528