

STUDENT SURVEYS AND  
NON-EMERGENCY EXAMINATIONS OR SCREENINGS<sup>1</sup>

1. STUDENT SURVEYS
  - A. Without prior written consent of the student's parent(s) or eligible student, no student is required to submit to a survey, analysis, or evaluation that reveals information concerning the following items:
    - i. Political affiliations or beliefs of the student or the student's parent;
    - ii. Mental or psychological problems of the student or the student's family;
    - iii. Sexual behavior or attitudes;
    - iv. Illegal, anti-social, self-incriminating, or demeaning behavior;
    - v. Critical appraisals of other individuals with whom respondents have close family relationships;
    - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
    - vii. Religious practices, affiliations, or beliefs of the student or student's parent; or
    - viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
  - B. All instructional materials used in connection with any survey, analysis, evaluation or as part of the educational curriculum shall be available for inspection by the student's parent(s) or eligible

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<sup>1</sup> The No Child Left Behind Act amended the Pupil Privacy Rights Amendment ("PPRA"). It requires the District to develop the local policies concerning student privacy, parental access to information and administration of certain physical examination "in consultation with parents." 20 USC §1232h(c)(1).

student upon request. Instructional materials include teacher's manuals, films, tapes or other supplementary material which will be used in connection with the survey, analysis or evaluation.

- i. If a written request is received by the student's school principal, the District shall provide reasonable access to the instructional materials for inspection within a reasonable period of time after the written request is received.
  - ii. The request should identify as precisely as possible the instructional materials for the survey, analysis or evaluation which he/she wishes to inspect.
  - iii. The school principal (or other custodian) shall contact the parent(s) of the student or the eligible student to discuss how access is best arranged and shall make the needed arrangements as promptly as possible.
- C. This Policy does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act, 20 USC 1400 et seq.

## 2. MARKETING

- A. The collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing such information to others for that purpose is prohibited.
- B. This prohibition 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 or educational institutions, such as the following:
  - i. College or other postsecondary education recruitment, or military recruitment;

- ii. Book clubs, magazines, and programs providing access to low-cost literary products;
- iii. Curriculum and instructional materials used by elementary schools and secondary schools;
- iv. Tests and assessments used by elementary schools and secondary schools 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;
- v. The sale by students of products or services to raise funds for school-related or education related activities;
- vi. Student recognition programs.

### 3. ANNUAL NOTIFICATION

- A. At the beginning of each school year, the District shall notify the student's parent(s) or the eligible student of their rights under this policy, and within a reasonable period of time after any substantive change in such policy.
- B. The District may provide this notice by any means that is reasonably likely to inform the student's parent(s) or eligible students of their rights.
- C. The notification shall include the following:
  - i. upcoming surveys that reveal information concerning one or more of the items listed above in (1)(A);
  - ii. the right to inspect, upon request, any survey before the survey is administered or distributed by the District along with the applicable procedures for granting a request by a parent for reasonable access to such survey;
  - iii. the right to inspect, upon request, any instructional materials used as part of the educational curriculum along with the applicable procedures for granting a request by a parent for reasonable access to such instructional materials;

- iv. the administration of any non-emergency, invasive physical examinations or screenings that the school may administer to a student that:
  1. is required as a condition of attendance;
  2. is administered by the school and scheduled by the school in advance; and
  3. is not necessary to protect the immediate health and safety of the student, or of other students.

Invasive physical examination, as used in this Policy, 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. This policy does not apply to a hearing, vision, or scoliosis screening, nor does it apply to any physical examination or screening that is permitted or required by state law, including physical examinations or screenings permitted without parental notification.

The annual notification shall include the specific or approximate dates during the school year when any such activities described in (3)(C) are scheduled or expected to be scheduled. It shall also include an opportunity for the student's parent(s) or eligible student to opt out of participation in any of those activities.

#### 4. STUDENT PRIVACY

- A. Regardless of funding source, any survey, analysis or evaluation which reveals information concerning the above listed items shall be administered anonymously on a sampling basis and no personally identifiable information shall be obtained from or reported on any individual student.
- B. The student's parent(s) or eligible student has the right to be advised of arrangements that will be made to protect the student's privacy.
- C. The District shall advise the student's parent(s) or eligible student that complaints regarding a violation of student privacy may be directed to the Family Educational Rights and Privacy Act Office,

U.S. Department of Education, 400 Maryland Avenue, SW.,  
Washington, DC 20202.

[Adoption Date: June 15, 2004]

#### LEGAL REFERENCES

Strengthening and Improvement of Elementary and Secondary Schools (“No Child Left Behind Act of 2001”); 20 USC 6301 *et seq.*

Family Educational Rights and Privacy Act; 20 USC 1232g

Protection of Pupil Rights Act; 20 USC 1232h

Individuals with Disabilities Education Act, 20 USC 1400 *et seq.*

ORC 149.41; 149.43  
1347.01 *et seq.*  
3313.50  
3313.673  
3313.69  
3313.71  
3313.73  
3317.031  
3319.321

OAC 3301-35-04; 3301-35-07

#### CROSS REFERENCES

JHCA Physical Examinations of Students  
JHCB Inoculations of Students  
JHCC Communicable Disease Control  
JHCD Administering Medicines to Students  
JO, JO-R, School Records

[Adoption date: June 15, 2004]

NOTIFICATION OF RIGHTS UNDER  
THE PROTECTION OF PUPIL RIGHTS AMENDMENT

DATE

Dear parent, guardian or eligible student:

An amendment to the Protection of Pupil Rights Act affords parents of students and eligible students certain rights regarding student surveys, analysis and evaluations, as well as non-emergency physical examinations. These include the right to:

*Consent* before students are required to submit to a survey, analysis or evaluation that concerns one or more of the following protected areas:

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 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 beliefs of the student or student's parent; 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).

*Receive notice and an opportunity to opt a student out of –*

1. Any survey, analysis or evaluation concerning any of the above listed areas;
2. The administration of any non-emergency, invasive physical examinations or screenings that the school may administer to a student that is required as a condition of attendance, is administered

Protection of Pupil Rights Notification Letter  
Page 2 of 2

by the school and scheduled by the school in advance, and is not necessary to protect the immediate health and safety of the student, or of other students. This does not apply to hearing, vision or scoliosis screenings, or any physical exam or screening permitted or required under State law.

A non-emergency, 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.

*Inspect*, upon request and before administration or use—

1. any survey, analysis or evaluation that concerns any of the above protected areas;
2. any instructional materials used as part of the educational curriculum.

The District, in consultation with parents, developed and adopted this policy which includes arrangements to protect student privacy in the administration of protected surveys, analysis or evaluations. The District will notify the student's parent(s) or eligible student of this policy annually, at the start of each school year, and within a reasonable time after any substantive changes are made to the policy. For a copy of the policy, please contact your school's principal.

Complaints regarding a violation of student privacy may be directed to the Family Educational Rights and Privacy Act Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

The prospective dates for anticipated surveys and non-emergency examinations, as described above, are attached to this notification. If you do not want your student to participate in any of the listed surveys or examinations please circle the appropriate item, initial and return to the school's principal.

Please acknowledge receipt of this Notice of Rights Under the Protection of Pupil Rights Amendment by signing and returning it to the principal within \_\_\_\_ days after the date of this letter. If none of the items are circled, and you sign below, you are indicating your consent to the District administering the surveys and examinations attached.

\_\_\_\_\_  
Name of student

\_\_\_\_\_  
School

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Parent/guardian/eligible student's signature

\_\_\_\_\_  
Date