BOARD POLICY

235.1 Surveys

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Purpose

This policy sets forth guidelines regarding the conduct of surveys and collection and use of information for marketing purposes, consistent with law and regulations.

Definitions

Personal information means individually identifiable information, including a student's or parent's/guardian's first and last name; home or physical address, including street name and the name of the city or town; telephone number; or social security number.[1]

For purposes of this policy, **protected information**, as addressed by the Protection of Pupil Rights Amendment (PPRA), includes:[1]

1. Political affiliations or political beliefs of the student or student's parent/guardian.
2. Mental or psychological problems of the student or 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 with lawyers, physicians, and ministers.

7. Religious practices, affiliations, or beliefs of the student or student's parent/guardian.

8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

Authority

Surveys conducted by outside agencies, organizations and individuals shall be approved by the Board, based on the Superintendent's recommendation, prior to administration to students. The Board shall be notified if any such survey involves the sale or marketing of personal information collected from students.

Guidelines

All surveys and instruments used to collect information from students shall relate to the district's educational objectives.[2]

No student shall be required to submit to a survey, analysis or evaluation that reveals protected information without written parental consent for students under eighteen (18) years of age or written consent of emancipated students or those over eighteen (18) years of age.[1]

All instructional materials, including teachers' manuals, films, tapes or other supplementary material, that will be used in connection with any survey, analysis or evaluation , shall be made available for inspection by the parent(s)/guardian(s) of the student.[1] **[3]**

Parents/Guardians shall be informed of the nature and scope of individual surveys and their relationship to the educational program of their child and the parent's/guardian's right to inspect, upon request, a survey created by a third party prior to administration or distribution to a student. Such requests shall be in writing and submitted to the building principal.[1] [2]

Parents/Guardians shall be informed of their right to have their child excluded from any research studies or surveys conducted by entities other than a school entity without prior written consent.[1] [2] [4]

Collection of Information for Marketing, Sales or Other Distribution Purposes

The district shall notify parents/guardians of any activities involving 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.[1]

The parent/guardian has the right to inspect the instrument used in collection of personal information for the purpose of marketing or selling that information and opt the student out of participating in any activity that results in the collection, disclosure or use of personal information for purposes of marketing or selling that information.[1]

This provision 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: recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.[1]

Privacy

The district shall implement procedures to protect student identity and privacy when a survey containing one or more of the items listed under protected information is administered or distributed to a student and in the event of the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.[1]

Student and Parent/Guardian Rights

Under federal law, the rights provided to parents/guardians under this policy transfer to the student when the student turns eighteen (18) years old or is an emancipated minor. These rights do not transfer under state law; therefore, parents/guardians retain their rights to receive notice and to inspect.[1] [2] [4]

Delegation of Responsibility

The Superintendent or designee shall notify parents/guardians and students of:[1]

1. This policy and its availability.
2. The specific or approximate dates during the school year when activities described above are scheduled, or expected to be scheduled.
3. How to opt their child out of participation in activities as provided in this policy.
4. How to request access to any survey or other material described in this policy.

This notification shall be given at least annually, at the beginning of each school year, and within a reasonable time after any substantive changes regarding the contents of this policy.

The Superintendent or designee may establish administrative regulations for protecting student identity and privacy in the administration of protected information surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.

Legal Footnotes

[1] **20 U.S.C. 1232h**
LEGAL REFERENCE

[2] **22 PA Code 12.41**
LEGAL REFERENCE

[3] **Pol. 105.1 — Review of Instructional Materials by Parents/Guardians and Students**
POLICY REFERENCE

[4] **22 PA Code 4.4**
LEGAL REFERENCE