

# Policy Information

## Series 6000 - Students

### Protection of Pupil Rights Amendment

Policy # 6330, 3.3

# POLICY

2003 6330

Students

## SUBJECT: PROTECTION OF PUPIL RIGHTS AMENDMENT

Pursuant to the Protection of Pupil Rights Amendment (PPRA) contained in Title X, Part F of the No Child Left Behind Act of 2001, the Genesee Valley Board of Cooperative Educational Services (BOCES), in consultation with parents, adopts the following policy regarding student privacy, parental access to instructional materials, and collection of personal information from students.

### A. Definitions

1. **Instructional Material:** means material with instructional content that is provided to a student, regardless of its format, including teacher's manuals, films, tapes, printed or representational material, audio-visual material, material in electronic or digital formats and material accessible through the Internet. The term does not include academic tests or assessments.
2. **Invasive Physical Examination:** means any invasive 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 hearing, vision, scoliosis screening, physical examinations for work permits, interscholastic athletics, evaluations conducted pursuant to IDEA or Section 504, or any other screenings or evaluations permitted under New York Law.
3. **Parent:** means legal guardian or other person standing in the place of the parent, with whom the child lives, or a person legally responsible for the welfare of the child.
4. **Personal Information:** means individually identifiable information including a student or parent's first and last name, home address, telephone number, or social security number.
5. **Student:** means any elementary or secondary school student.
6. **Survey:** includes evaluations other than those administered to a student in accordance with IDEA.

### B. Parent's Right to Inspect Instructional Materials, Surveys and Information Collected for Commercial Purposes.

Parents have the right, upon request, to inspect instructional material that will be used as part of the educational curriculum for their child. Parents will be given reasonable access to such material within a reasonable period of time after the request is submitted to their child's building principal.

Parents also have the right to inspect, upon request, any survey created by a third party and any instrument used in the collection of personal information for commercial purposes before the BOCES administers or distributes such survey or instrument to their child. Parents will be given reasonable

access to such materials within a reasonable period of time after they request the same from their child's principal.

#### C. Limits on Student Surveys and Collection of Personal Information.

The BOCES shall not require any student to submit, without prior written parental consent, to a survey, analysis, or evaluation of which the primary purpose is to reveal information concerning one or more of the following topics:

1. Political affiliations or beliefs of a 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 the student has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as those with attorneys, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the 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).

In the event that the BOCES does not obtain written parental consent prior to administering a survey containing one or more of the above-listed sensitive topics, or where the BOCES has collected, disclosed or used a student's personal information for commercial purposes (collectively, "a breach of student privacy"), the BOCES shall take the following steps to protect student privacy:

1. Immediately upon the discovery of a breach of student privacy, the BOCES will notify the parent of the administration or distribution of the survey or the collection of such personal information; and
2. The BOCES will offer the parent an opportunity to inspect the survey, the information collected, disclosed or used; and
3. Upon parental request, the BOCES will make an effort to destroy the survey results related to the parent's child, and will cease and desist from collecting, using or disclosing the student's personal information for commercial purposes; and
4. The BOCES will redistribute a copy of this policy to all pertinent staff.

#### D. Parental Notice of Surveys, Invasive Physical Examinations and Collection of Personal Information.

At the beginning of each school year, the BOCES will provide parents with annual notice of the specific or approximate dates when it will (1) collect, disclose, or use personal information for commercial purposes; (2) administer any survey involving sensitive topics; or (3) perform any non-emergency, invasive physical examination that is required as a condition of attendance, scheduled in advance, and is not necessary to protect the health and safety of the student.

In the event that the BOCES seeks to perform any such activity after the school year has commenced and such activity was not mentioned in the annual notice, it shall provide parents with prior written notice of the same. Both the annual notice and subsequent written notices shall inform parents of their right to opt their child out of participating in any of the above listed activities.

## E. Parental Notice of Policy

At the beginning of each school year, the BOCES shall provide parents with annual notice of this policy. The BOCES shall also provide additional notice to parents of any substantive changes made to this policy within a reasonable period of time after such changes are made.

## F. Exceptions.

This policy does not apply to the collection, disclosure, or use of personal information from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as:

1. College or other postsecondary education recruitment or military recruitment;
2. Book clubs, magazines, and programs providing access to low cost literary products;
3. Curriculum and instructional materials;
4. Tests and assessments used 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 test and assessments;
5. Sale of products or services by students for school-related or education-related activities; or
6. Student recognition programs.

Statutory Authority: 20 U.S.C. 1232h

Board Approved  
5/20/03