

**Surveys and Student Privacy****Definitions**

1. **Survey** may consist of a compilation of questions used to collect information for various purposes, including but not limited to, determining student knowledge and/or attitudes towards specific subjects, or to adopt or modify school programming. Survey does not include instruments or evaluations administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.). Surveys will not become part of the student's record.
2. **Invasive physical examination** 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 but does not include a hearing, vision or scoliosis screening.
3. **Personal information** means individually identifiable information including a student's or parent's/guardian's first and last name, home address, telephone number, or social security number 20 U.S.C. § 1232h(c)(6)(E).
4. **Instructional material** means instructional material that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include academic tests or academic assessments.

Prior to administering a survey, the Superintendent must approve all those 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/guardian;
2. mental or psychological problems of the student or the student's 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. income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program;
8. religious practices, affiliations, or beliefs of the student or the student's parent/guardian.

In the event the Bethany Public School District (District) plans to survey students to gather information included in the above list, the District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

## **INSTRUCTION**

## **Regulation 6162.51(b)**

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent as to content and purpose. The results of such approved surveys must be shared with the Bethany Board of Education.

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 the school to a student. Such requests shall be made in writing with a response to be at least two (2) weeks in advance of any survey to be given.

For surveys not funded in any part by the federal government, parents/guardians need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight (8) protected areas listed above.

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

### **Marketing**

It is the District's policy not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. 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 student, or educational institutions, such as:

1. book clubs, magazines and programs providing access to low-cost literary products;
2. curriculum and instructional materials used in the school;
3. tests and assessments used by the school to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
4. student recognition programs; and
5. the sale by students of products or services to raise funds for school-related activities or education-related activities.

### **Invasive Physical Examinations**

Prior to 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 not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

### **Inspection of Instructional Material**

Parents/guardians of a student shall also have the right to inspect and review upon written request to the Superintendent, any instructional material used as part of the educational curriculum. The District shall grant access to instructional material within a reasonable period of time, identified as within thirty (30) calendar days after a parental request is received.

## **INSTRUCTION**

## **Regulation 6162.51(c)**

### **Notification**

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this Administrative Regulation and when enrolling students for the first time in the District schools. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this Administrative Regulation.

Legal References:      20 U.S.C. § 1232h, as amended  
                                 Regulation 34 CFR, Part 98

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