

INSTRUCTION

Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a governmental entity in accordance with the common law, state and federal law, and Board policies.

Surveys

All surveys and instruments used to collect information from students shall relate to the District's educational objectives. Surveys created by outside agencies, organizations, and individuals shall be approved by the Board, based on the Superintendent's recommendation, prior to administration to students. Parents have the right to inspect any survey or evaluation created by third parties within a reasonable period of time.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

Parental Consent is required for students under the age of 18 or the consent of a student who is 18 years of age before taking part in a survey, analysis, or evaluation (created by any person or entity, including the District) that reveals information concerning:

1. Political affiliations or beliefs of the student or student's parent;
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 others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents, or;
8. Income, other than as required by law to determine program eligibility.

Survey results must be shared with all parties who request such information, and the District shall implement procedures to protect student identity and privacy when a survey contains protected information. Parents and eligible students may inspect the survey or evaluation within a reasonable period of time. Students shall not be penalized for refusing to participate in a survey or evaluation containing protected information.

No student shall be required to submit to any survey requesting personal information without consent of the parent. Parents will be given notice and an opportunity to opt their child out of participation of any survey requesting personal information that is not required by the District.

Instructional Material

A student's parent may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum. The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Physical Exams or Screening

No school official or staff member shall subject a student to a non-emergency, invasive physical examination or screening as a condition of school attendance. The term "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.

The above paragraph does not apply to any physical examination or screening that is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification, administered to a student in accordance with IDEA, or is otherwise authorized by Board policy.

Collection of Personal Information from Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including: (1) a student's or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (4) telephone number, or (5) a Social Security identification number.

The District will not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The District, however, is not prohibited from collecting, disclosing, or using 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:

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

The Superintendent or designee shall annually notify parents concerning:

- the contents of this policy;
- the approximate dates that any surveys requesting protected information or collection of information for marketing purposes may be scheduled.
- the procedures to request access to survey instruments prior to administration.
- the procedures for opting students out of participation in surveys.

Legal References:

20 USC § 1232h Protection of Pupil Rights Act

34 CFR Part 99 Family Educational Rights and Privacy

§ 40-6-701, MCA **Interference with Fundamental Parental Rights Restricted (*revised by***
House Bill 676)

Policy History:

Adopted on: January 14, 2003

Revision to PNP: August 26, 2009

Revision adopted on: October 13, 2009

Revised at PNP: September 26, 2012 and posted for public comment.

Approved on: November 13, 2012

Approved First Reading: September 26, 2023