

## Instruction

### Surveys of Students (Student Privacy)

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. The Board of Education (Board) recognizes its responsibility to enact policies that protect student privacy in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams. When a survey is used, every effort should be made to ask questions in such a manner as to ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for approved purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. Administrative approval is required for surveys. Specific individually identifying information shall not be part of any survey or the results of such survey.

Surveys used in any experimental program or research project will be subject to the requirement of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Note: The term “survey” includes an evaluation.
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Prior to administering a survey, the Board of Education must approve all those that are received by the Superintendent 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;
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); or
8. religious practices, affiliations, or beliefs of the student or the student’s parent.

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In the event the 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.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the 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 a school to a student. Such requests shall be made in writing with a response to be at least two 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 protected areas listed above.

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

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians have the right to "opt the student out of participation," in writing, in the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. 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 students, such as:
  - a. Book clubs, magazines and programs providing access to low-cost literary products;
  - b. Curriculum and instructional materials used in schools;
  - c. Tests and assessments;
  - d. Student recognition programs; and
  - e. The sale by students of products or services to raise funds for school-related activities.
2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above; or

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3. 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.

## Marketing

It is the Board'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 students, or educational institutions, such as:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
- e. Student recognition programs; and
- f. 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.

*Note: 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 term "personal information" means identifiable information including a student's or parent's name, address, telephone number, or social security number.*

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Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum.

*Note: The term "instructional material" means instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.*

### Notification

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

(cf. 6141.11 – Curriculum Research/Experimental Projects)  
(cf. 6161 – Equipment, Books and Materials: Provision/Selection)  
(cf. 6161.1 – Evaluation/Selection of Instructional Materials)  
(cf. 6161.12 – Reconsideration of Materials)

Legal Reference: P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act)

P.L. 107-110, (HR 1-“Leave No Child Behind”) § 1061/1062 – Student Privacy, Parental Access to Information and Administration of Certain Physical Examination to Minors.

Policy adopted:  
Policy revised:

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MARLBOROUGH PUBLIC SCHOOLS  
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