

## **SURVEYS AND PRIVACY RIGHTS**

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students must advance or relate to the Bonneville Joint School District No. 93's educational objectives as identified in Board Policy. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

### **1. Notification of Rights and Procedures**

- a. The Superintendent/designee shall notify students' parents/guardians of:
  - i. This policy as well as its availability from the administration office upon request;
  - ii. How to opt their child out of participation in activities as provided in this policy;
  - iii. How to request access to any survey or other material described in this policy.
- b. Annual notification of District policies for parents/guardians will be made available on the District's webpage. It is the responsibility of parents/guardians to read and become informed of the contents, requirements, and expectations of these policies. Hard copies will be made available upon request.
- c. The rights provided to parents/guardians in this policy transfer to the student, when the student turns 18 years of age or is an emancipated minor.

### **2. Non-Curricular Surveys, Well-Being Questionnaires, and Health Screenings**

- a. Any non curricular-related survey, well-being questionnaire, or health screening must be approved by the Superintendent or designee before it is administered by an employee to any student.

### **3. Surveys Requesting Personal and Family Information**

- a. The provisions of this section shall apply to any survey, tests or measuring devices on the following topics:
  - i. A student's sexuality,
  - ii. Sex,
  - iii. Religion,
  - iv. Personal or family political beliefs,
  - v. Personal or family mental or psychological problems,

- vi. Other personal family information,
  - vii. Personal or family financial information,
  - viii. Legally recognized privileged relationships, such as those with lawyers, physicians, and ministers, or
  - ix. Illegal or self-incriminating behavior.
- b. Affirmative parental consent must be obtained prior to administering any survey that includes questions related to these topics.
- i. Such surveys should be provided to parents in their entirety to parents/guardians to inspect at least one (1) week prior to administering the survey.
  - ii. The employee overseeing any test, measurement device, survey, questionnaire, or screening for which such permission is required shall maintain documentation that all required parental and/or administrative permission has been given.
- c. The school shall not penalize any student whose parent(s)/guardian(s) exercises their right to refuse permission for their child to participate in the survey.
- d. School officials and staff members shall not request, nor disclose, the identity of any student who completes any such survey or other surveys with questions asking for critical appraisals of other individuals with whom students have close family relationships.

#### **4. Surveys Created by a Third Party**

- a. Before the District administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request.
- b. 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.

#### **5. Collection of Personal Information from Students for Marketing Prohibited**

- a. 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.

- b. 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.
- c. 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:
  - i. College or other post-secondary education recruitment or military recruitment;
  - ii. Book clubs, magazines, and programs providing access to low-cost literary products;
  - iii. Curricular materials approved by the Board of Trustees for use in elementary schools and secondary schools;
  - iv. 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;
  - v. The sale by students of products or services to raise funds for school-sponsored activities;
  - vi. Student recognition programs.

### Definition

**Non Curricular Survey:** Any survey that is not substantially related to adopted learning objectives for the course of study.

**Personal Family Information:** means any personally identifiable information as defined in Policy 3575 about a student or any of their immediate relatives.

Adopted: 05-17-2005      Reviewed:      Revised: 12-13-2017

09-13-2023

Cross Reference:    Research Studies #2130

                          Parental Rights #2498

                          Curricular Materials #2520

Legal Reference:    20 U.S.C. 1232(h)    Protection of Pupil Rights

                          34 CFR Part 99      Family Educational Rights and Privacy