

## Students

**SUBJECT: STUDENT PRIVACY PROTECTION UNDER ESSA AND PPRA AND FERPA**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the Every Student Succeeds Act (ESSA) the Family Educational Rights and Privacy Act (FERPA) and any and all other such state and federal mandates concerning student privacy, the School District is committed to protecting the rights and privacy interests of parents/guardians and students to the fullest extent possible.

The Superintendent of Schools is charged with administering such mandates in a manner that achieves compliance while fully empowering parents/guardians and students to protect their privacy and in a manner least disruptive or burdensome to effective administration of District schools.

**Military Recruitment and Institutions of Higher Education**

Pursuant to mandates of the Every Student Succeeds Act (ESSA), the School District is required, under penalty of losing federal aid, to disclose to Military Recruiters and institutions of higher learning, upon request, the names, addresses, and telephone numbers of high school students. The mandate requires the District to notify parents of their right and the right of their child to request that the District not release such information without prior written consent.

It is the objective of the Board of Education to ensure that the parents and students fully understand the responsibility placed upon them to affirmatively act, in a timely fashion, to protect their right to privacy, if they so choose.

The Superintendent of Schools is charged with the responsibility to comply with this mandate in a manner designed to fully empower parents/guardians and students. Such compliance program shall be designed to:

- a) Clearly articulate that personal information will be released to Military Recruiters and/or institutions of higher education unless parents and/or students affirmatively choose to "opt out" in writing;
- b) Clearly articulate that privacy protection require timely action and highlight language which informs that private information will be shared unless the form is returned by the stated date;
- c) Provide specific check-off opportunities for opting out (personal information will NOT be shared) in each category of (1) institutions of higher education of higher learning and (2) Military Recruiters;
- d) Provide for both parent and student signatures;
- e) Include a copy of this policy with notice.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY PROTECTION UNDER ESSA AND PPRA AND FERPA  
(Cont'd.)****Surveys, Physical Exams, and other Disclosure Options**

The Superintendent of School shall establish regulations consistent with PPRA and this policy for the administration of surveys funded by the USDOE and other sources.

Unless mandated/authorized in accordance with Federal or State law and/or regulations, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; social security number; email address(es); health information; test scores; evaluations; academic records; or student directory information defined under FERPA) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

No third party in authorized possession of personal information may use those data for any purpose beyond those expressly enumerated by the Superintendent/designee or defined by law. Requests for additional usage of those data must be approved by the Superintendent/designee.

The Protections of Pupil Rights Amendment (PPRA) governs the administration to students for a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). Parental Authorization Required for Participation PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

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Students

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(Cont'd.)**

If a child's participation is sought in any of these activities, the District shall notify the parents/guardians and obtain written authorization for each such participation in the eight protected areas listed above.

**Annual Parental Notification of Policies**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

These requirements do 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 the following:

- a) Book clubs, magazines, and programs providing access to low-cost literary products;
- b) Curriculum and instructional materials used by elementary schools and secondary schools;
- c) Tests and assessments used by elementary schools and secondary schools 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;
- d) The sale by students of products or services to raise funds for school-related educational related activities;
- e) Student recognition programs.

**Student Directory Information**

The District shall publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their their response. Following such public notice and a reasonable response period, the District may, in accordance with stipulations set forth in this policy, release such information to an outside group without individual consent.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the District defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams), dates of attendance; honors, degrees and awards received; electronic mail address; photograph; the name of the education agency or institution most recently previously attended by the student; and photographic/digital images, voiceprints, video and streaming video for instructional and school purposes.

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7250  
4 of 4

Students

Family Educational Rights and Privacy Act of 1974  
20 United States Code USC Section 1232 (g)  
34 Code of Federal Regulations (CFR) Part 99  
Every Student Succeeds Act (ESSA) of 2015

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students  
#7243 -- Student Privacy  
#7511 -- Immunization of Students  
#7512 -- Student Physicals  
#7513 -- Administration of Medication

Adopted: 7/16/08  
Revised: 3/2/16  
Revised: 10/21/20