

## STUDENT PRIVACY

The 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 examinations. The Board hereby authorizes the Superintendent to establish administrative regulations, procedures, and/or protocols in relation to this policy.

For purposes of this policy, the term “parent” includes parents, legal guardians, and persons in parental relation, as defined by law. Further, the rights provided to parents under this policy transfer to the student when the student turns eighteen years old or is an emancipated minor under applicable State law.

### Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys that gather any of the following information:

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 or 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. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

### Marketing

It is the policy of the Board 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. Marketing 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, services, or therapies for or to students or educational institutions. For purposes of this policy, educational institutions shall include, but are not limited to:

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

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA). [For guidance regarding the disclosure of “directory information,” rather than personal information, see policy 5500, Student Records and its associated regulation 5500 R, Student Records Regulation.]

### Inspection of Instructional Material

Parents and eligible students shall have the right to inspect, upon request, instructional material used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content 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 tests or academic assessments.”

A parent who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. The Building Principal shall make arrangements to provide reasonable access to the requested instructional material within a reasonable period of time after the written request is received.

### Invasive Physical Examinations

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 injecting into the body. It does not include a hearing, vision, or scoliosis screening and does not apply to any physical examination or screening required or permitted under State law, including those permitted without parental notification.

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the District 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 must 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.

### Notification

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

Cross-ref:      5420, Student Health Services  
                      5500, Student Records

8635, Information and Data Privacy, Security, Breach, and Notification

Ref: 20 USC §§1232g; 1232h  
34 CFR Part 98  
Education Law §903  
8 NYCRR §136.3

Adoption date: April 17, 2024