

PROTECTION OF PUPIL RIGHTS
(Surveys, Parental Access to Information, and
Administration of Physical Examination to Minors)

A. Limits on Survey, Analysis, or Evaluation

A student shall not be required, as part of any applicable program, to submit to a survey, analysis or evaluation without the prior consent of the student (if the student is an adult or emancipated minor) or, in the case of an unemancipated minor, without the prior written consent of the parent, when that survey, analysis or evaluation 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 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 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).

B. Parental Notice

The Board shall provide reasonable notice to parents at least annually at the beginning of the school year that their child[ren] may be involved in Board-approved surveys. Parents will be notified by the school when a survey is to be administered and will have a reasonable period of time, upon request, to review the materials.

The Board shall provide reasonable notice to parents regarding policies governing student privacy, parental access to information and the administration of certain physical examinations at least annually at the beginning of the school year and after any substantive policy changes. Such notice shall include information regarding their right to remove their child from participation in the activities described in Section C 1-3 of this policy.

The Board shall notify parents, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

1. The collection, disclosure, or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose to the extent that such activities are permitted under Ohio Law (see Revised Code Section 3319.321);
2. The administration of a survey containing any of the eight items listed in Section A; and
3. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, which is administered by the school in advance of attendance and is not necessary to protect the immediate health and safety of the student or other students. An invasive physical exam is defined as 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."

C. Parental Rights

Parents have a right to inspect, upon request, a survey created by a third party, or a survey that contains one or more of the eight items listed in Section A, before that survey is administered by the school to students.

Parents have the right to inspect, upon request, any instrument used to collect student personal information for the purpose of marketing or selling or otherwise providing the information to others for that purpose, to the extent that such activities are permitted by state law, before the instrument is administered or distributed to the student.

Parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum for that student and any instructional material which will be used in connection with any survey, analysis or evaluation.

Parents have the opportunity to remove their children from participation in the following activities:

1. Activities, to the extent permitted by Ohio law, involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
2. The administration of any third party (non-Department of Education funded) survey containing one or more of the eight items listed in Section A, and
3. Any non-emergency, invasive physical examination or screening that is (a) required as a condition of attendance; (b) administered by the school in advance of attendance; and (c) is not necessary to protect the immediate health and safety of the student or other students.

****Parents must provide written notice in advance of the activities described above if they wish to opt their children out of participation.***

****For all parental inspection rights described under this Section, parents will have a reasonable period of time for such inspection.***

D. Exceptions

The requirements regarding the collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose, to the extent permitted by state law, do not include personal information collected for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as:

1. Colleges 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 and secondary schools;
4. Tests and assessments used by elementary 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 these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;
5. The sale by students of products or services to raise funds for school or education-related activities; and
6. Student recognition programs.

Unless otherwise specified, the term "parent" includes a legal guardian of that student or an emancipated minor or adult student.

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LEGAL REFS.: Family Educational Rights and Privacy Act; 20 USC §1232g.
No child Left Behind, Title IX, Sec. 9528, P.L. 107-110 (2002)
USA Patriot Act, Sec. 507, P.L., 107-56 (2001)
20 USC §1232h (2002)
34 CFR, Pt. 98 (2002)
34 CFR, Pt. 99, 300.560-574 (1996)
ORC 3319.321