

Superintendent Procedure 3232SP Parent/Guardian & Student Rights in Administration of Surveys, Analysis or Evaluations



Approved by: S/Denise Juneau Date: 9/4/19

Denise Juneau, Superintendent

Federal Law and Guidelines

Policy No. 3232, Parent/Guardian & Student Rights in Administration of Surveys, Analysis, or Evaluations, reaffirms the District's adherence to the federal Protection of Pupil Rights Amendment (PPRA) and associated guidelines for the protection of student data privacy. It also sets forth notification requirements, which are detailed in this procedure.

The eight categories outlined in the PPRA provide the framework for determining when informed consent is required for internal district data collection efforts.¹ In all cases of collection of student data that may reveal student information in any of the eight categories, best efforts should be made to only collect this information when necessary for delivering quality services (e.g., academic, social emotional, health, or behavioral) to students.

Right to Inspect

Parents/guardians, upon request, shall have the opportunity to inspect the following:

- A. Surveys created by a third party before the survey is administered or distributed by a school to students;
- B. Instructional material used as part of the educational curriculum; and
- C. Any survey document used to collect information from students.

Notice

At the beginning of each school year, the district will provide parents/guardians and adult or emancipated minor students written notice of the district's continued use of Policy No. 3232 and this procedure. The notice will describe parent/guardian rights and will include the specific or approximate dates of any student survey, analysis, or evaluation scheduled during the school year.

Throughout the year, parents/guardians and adult or emancipated minor students will be notified through appropriate means of upcoming opportunities to either opt in or opt out of data collection efforts (distinctions between opt-in and opt-out approaches are detailed below). These notifications MUST include hardcopy paper notification (either

¹ The district acknowledges the category "sex behavior or attitudes" is not widely used terminology. The district interprets this category to mean sexual behavior and attitudes in relation to sexual health and behavior.

in students' backpacks or via direct mail to homes), and MAY also include one or more of the following:

- Posting on online parent communication channels (e.g. The Source or e-mail);
- Presentations during school and community events; and,
- Public posting on applicable district websites.

All notification efforts – including letters to parents and consent forms – will contain background information on the data collection effort and will have clear contact information for indicating participation preferences. All notifications will be translated into at least the top five languages spoken by district families, and may be translated into additional languages as well.

Parent/Guardian Consent

A. Opt-In Requirements

The notice shall provide information detailing that opt-in consent is required from parents/guardians or emancipated minor students in the cases where: A) the data are collected by the District and involves one or more of the protected areas in Policy No. 3232 AND is funded in whole or in part by a program of the U.S. Department of Education (ED); B) the data are collected by an external third-party, for example an outside research entity or organization.

All opt-in consent forms must disclose the collection of any student data that fall into one or more of the protected areas in Policy No. 3232.

In cases where active consent is required, a contact person or persons must be identified to manage the consent collection process. Consent records must be locked and be accessible only to individuals directly involved in the study. These records must be kept for at least three years, and then must be effectively destroyed so that they are not accessible to anyone.

B. Opt-Out Requirements

The notice shall also offer parents/guardians and adult or emancipated minor students the opportunity to opt their children or themselves out of participating in the following activities:

- A. Any District data collection of students that is not funded through the U.S. Department of Education, but that reveals information described in Policy No. 3232;
- B. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or selling to others; or
- C. Activities involving any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the school, and not necessary to protect the immediate health and safety of a student.

Opt-out notifications must identify contact information for a person or persons who are responsible for the data collection effort and managing the parental opt-out process.

C. Cases Where Consent is Not Required

If the data collection effort is internal to the district, is not federally funded by the U.S. Department of Education AND does not involve the collection of student data that fall into one or more of the protected areas in Policy No. 3232, parent/guardian notification and consent is not required.

Discretion

In situations where it is unclear if the requirements above apply, the question must be brought to the attention of district legal counsel for consideration. In cases where Policy No. 3232 and this procedure require notification and the ability to opt-out, or do not require notification (see paragraphs B and C above), it is at the discretion of the data collector to increase the level of parent/guardian approval and/or means of notification as a courtesy.

District Staff Responsibilities

District staff are responsible for upholding the requirements set forth in federal law and guidelines pertaining to student data privacy. Notification of Policy No. 3232 and this procedure will be posted on the internal staff District website and will outline policy scope and responsibilities. Notices will also be included in email communications to school leaders at the start of school, as well as to other district staff.

Approved: December 2011

Revised: September 2019

Cross Reference: Policy No. 3232, Policy 4280, 4280SP