



# MILFORD CENTRAL SCHOOL DISTRICT

## POLICY# 5550

### STUDENT PRIVACY

(X) REQUIRED
(X) LOCAL
(X) NOTICE

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with the provisions of the Protection of Pupils Rights Amendment (PPRA), parents/guardians have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a U.S. Department of Education (DOE)–funded program. In addition, no minor student may, without written parental consent, take part in a survey, analysis, or evaluation funded in whole or in part by the U.S. DOE Education that 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 and/or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom the student has 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 family; 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).

Parents/guardians shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum for students. Under provisions of the PPRA, “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/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the building principal. Upon receipt of such request, arrangements shall be made to provide access to such material within thirty (30) calendar days after the request has been received.

It is the policy of the Board to prohibit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This 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 or services for or to students or educational institutions, as permitted by law, such as:

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 of such permitted collection, disclosure, or use of personal information gathered from students, student privacy shall be protected by the District pursuant to the requirements of the federal Family Educational Rights and Privacy Act (FERPA).

Parent/guardians have the right to submit a written statement to opt their child out of participation in the administration of any survey, regardless of its source of funding, revealing information concerning one or more of the following:

1. political affiliations or beliefs of the student or the student's family;
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 the student has 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 family; 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).

Parents/guardians and eligible students shall also have the right to inspect, upon their request, a survey created by a party other than the U.S. DOE before the survey is administered or distributed by a school to a student. Such requests must be submitted in writing to the building principal. The building principal must provide a response at least two (2) weeks in advance of any survey to be given.

The administration of any nonemergency, invasive physical examination or screening that is required as a condition of attendance and is administered by the school, but is not necessary to protect the immediate health or safety of the student or other students and is not otherwise permitted or required by state law.

Parents/guardians of students who are scheduled to participate in the specific activities or surveys noted above will be provided with reasonable notification of the planned activities and surveys, and be provided with an opportunity to opt their child(ren) out of such activities and surveys.

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

**Ref:**

20 U.S.C. § 1232h. Regulations: 34 CFR Part 98  
Every Students Succeeds Act (2015)  
Education Law §903

Adopted: January 12, 2017