

1 The superintendent shall ensure that all notification requirements of the Protection of Pupil  
2 Rights Amendment are met, along with any other legal requirements regarding the surveying of  
3 students.

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5 **A. PROTECTED TOPICS**

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7 The school system must obtain prior written consent of a parent or eligible student before  
8 the student is required to participate in any Department of Education-funded survey,  
9 analysis, or evaluation that reveals information concerning the following “protected  
10 topics”:

- 11
- 12 1. political affiliations or beliefs of the student or the student’s parent;
- 13
- 14 2. mental or psychological problems of the student or the student’s family;
- 15
- 16 3. sex behavior and attitudes;
- 17
- 18 4. illegal, anti-social, self-incriminating, or demeaning behavior;
- 19
- 20 5. critical appraisals of other individuals with whom respondents have close family  
21 relationships;
- 22
- 23 6. legally recognized privileged or analogous relationships, such as those of lawyers,  
24 physicians, and ministers;
- 25
- 26 7. religious practices, affiliations, or beliefs of the student or the student’s parent; or  
27
- 28 8. income (other than that required by law to determine eligibility for participation in  
29 a program or for receiving financial assistance under such program).
- 30

31 Upon request, parents have the right to review any survey that concerns one of the  
32 protected topics or any instructional materials used in any such survey. The school  
33 system will take measures to protect the identification and privacy of students  
34 participating in any survey concerning any of the protected topics. These measures may  
35 include limiting access to completed surveys and to survey results, as allowed by law.

36  
37 The school system will notify parents at the beginning of each school year of the specific  
38 or approximate dates of administration of surveys concerning the protected topics that are  
39 not funded in whole or in part by the Department of Education. Parents have the right to  
40 review any survey that concerns one of the protected topics or any instructional materials  
41 used in any such survey. Parents also will have the opportunity to opt their children out  
42 of participating in the survey(s).

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44 **B. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES**

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46 The school system generally will not collect, disclose, or use personal student  
47 information for the purpose of marketing or selling the information or otherwise  
48 providing the information to others for that purpose. However, the school system may  
49 collect such information from students if the information is used for the exclusive  
50 purpose of developing, evaluating, or providing educational products or services for or to  
51 students or educational institutions, such as the following:

- 52  
53 1. college or other postsecondary education recruitment or military recruitment;
- 54  
55 2. book clubs, magazines, and programs providing access to low-cost literary  
56 products;
- 57  
58 3. curriculum and instructional material used by elementary schools and secondary  
59 schools;
- 60  
61 4. tests and assessments used by elementary schools and secondary schools to  
62 provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement  
63 information about students (or to generate other statistically useful data for the  
64 purpose of securing such tests and assessments) and the subsequent analysis and  
65 public release of the aggregate data from such tests and assessments;
- 66  
67 5. the sale by students of products or services to raise funds for school-related or  
68 education-related activities; and
- 69  
70 6. student recognition programs.

71  
72 If the school system collects such information from students for the purpose of marketing  
73 or selling the information to develop, evaluate, or provide educational products or  
74 services as described above, upon request, parents may inspect any instrument used to  
75 collect the information before it is administered or distributed to a student.

### 76 77 **C. PARENT INVOLVEMENT**

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79 The [Transylvania County Board of Education \(the “board”\)](#) and superintendent will work  
80 with parents to create policies and guidelines concerning: (1) the administration of  
81 surveys by third parties; (2) arrangements to protect student privacy in the administration  
82 of surveys containing a protected topic; (3) parental rights to review and inspect  
83 instructional materials or survey instruments; and (4) the collection, disclosure, or use of  
84 personal information for marketing or selling purposes.

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86 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt.  
87 99; G.S. 115C-36

88

89 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance  
90 Procedure (policy 1740/4010), Student Discipline Records (policy 4345)

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92 Adopted:

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