

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

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5 **A. SURVEYS INVOLVING PROTECTED TOPICS**

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7 **1. Definition of Protected Topic**

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9 ~~The school system must obtain prior written consent of a parent or eligible student~~
10 ~~before the student is required to participate in any Department of Education-~~
11 ~~funded survey, analysis, or evaluation that reveals information concerning~~ **For**
12 **purposes of this policy, the following are considered a “protected topics”:**

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14 a. political affiliations or beliefs of the student or the student’s parent;
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16 b. mental or psychological problems of the student or the student’s family;
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18 c. sex behavior **or and** attitudes;
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20 d. illegal, anti-social, self-incriminating, or demeaning behavior;
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22 e. critical appraisals of other individuals with whom respondents have close
23 family relationships;
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25 f. legally recognized privileged or analogous relationships, such as those of
26 lawyers, physicians, and ministers;
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28 g. religious practices, affiliations, or beliefs of the student or the student’s
29 parent; or
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31 h. income (other than that required by law to determine eligibility for
32 participation in a program or for receiving financial assistance under such
33 program).

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35 **2. Rules Regarding Surveys Involving Protected Topics**

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37 **a. Protection of Student Privacy**

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

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b. Parental Notification

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

c. Parental Consent

Before a student is required to participate in any Department of Education-funded survey, analysis, or evaluation that reveals information concerning a protected topic, the parent or eligible student must provide prior written consent.

If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.

B. THIRD PARTY SURVEYS

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student

C. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. ~~However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student’s personal information.~~

The preceding rules for the collection, disclosure, and use of personal student information ~~do not apply~~ ~~However, if the school system may collect, discloses, or uses such personal information from students if the information is used for the exclusive purpose of~~

88 developing, evaluating, or providing educational products or services for or to students or
89 educational institutions, such as the following:

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- 91 1. college or other postsecondary education recruitment or military recruitment;
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- 93 2. book clubs, magazines, and programs providing access to low-cost literary
94 products;
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- 96 3. curriculum and instructional material used by elementary schools and secondary
97 schools;
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- 99 4. tests and assessments used by elementary schools and secondary schools to
100 provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement
101 information about students (or to generate other statistically useful data for the
102 purpose of securing such tests and assessments) and the subsequent analysis and
103 public release of the aggregate data from such tests and assessments;
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- 105 5. the sale by students of products or services to raise funds for school-related or
106 education-related activities; and
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- 108 6. student recognition programs.

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

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115 **D. ~~PARENT INVOLVEMENT~~ OTHER RELEVANT POLICIES**

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117 ~~In addition to this policy, the board, with parental and community input, has developed~~
118 ~~other policies concerning surveys and related matters as required by the Protection of~~
119 ~~Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement;~~
120 ~~3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student~~
121 ~~Records; and 5240, Advertising in the Schools. The Transylvania County Board of~~
122 ~~Education (the "board") and superintendent will work with parents to create policies and~~
123 ~~guidelines concerning: (1) the administration of surveys by third parties; (2)~~
124 ~~arrangements to protect student privacy in the administration of surveys containing a~~
125 ~~protected topic; (3) parental rights to review and inspect instructional materials or survey~~
126 ~~instruments; and (4) the collection, disclosure, or use of personal information for~~
127 ~~marketing or selling purposes.~~

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129 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, ~~h~~, 34 C.F.R. pt.
130 99; **Protection of Pupil Rights Amendment, 20 U.S.C. 1232h**; G.S. 115C-36

132 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance
133 Procedure (policy 1740/4010), **Parental Inspection of and Objection to Instructional Materials**
134 **(policy 3210)**, Student Discipline Records (policy 4345), **Student Records (policy 4700)**,
135 **Advertising in the Schools (policy 5240)**
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137 Adopted: December 18, 2017
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139 **Revised: [DATE]**

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