

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

4  
5 **A. SURVEYS INVOLVING PROTECTED TOPICS**

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7 1. Definition of Protected Topic **Survey**

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9 For purposes of this policy, the following are considered a “protected topic”:

- 10  
11 a. political affiliations or beliefs of the student or the student’s parent;  
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13 b. mental or psychological problems of the student or the student’s family;  
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15 c. sex behavior or attitudes;  
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17 d. illegal, anti-social, self-incriminating, or demeaning behavior;  
18  
19 e. critical appraisals of other individuals with whom respondents have close  
20 family relationships;  
21  
22 f. legally recognized privileged or analogous relationships, such as those of  
23 lawyers, physicians, and ministers;  
24  
25 g. religious practices, affiliations, or beliefs of the student or the student’s  
26 parent; or  
27  
28 h. income (other than that required by law to determine eligibility for  
29 participation in a program or for receiving financial assistance under such  
30 program).

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32 **For purposes of this policy, a “protected topic survey” is any survey, analysis, or**  
33 **evaluation that reveals information concerning any of the protected topics.**

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

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37 a. Protection of Student Privacy

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39 The school system will take measures to protect the identification and  
40 privacy of students participating in any **protected topic** survey ~~concerning~~  
41 ~~any of the protected topics~~. These measures may include limiting access  
42 to completed surveys and to survey results, as allowed by law.

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44 b. Parental Notification

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46 The school system will notify parents at the beginning of each school year  
47 of the specific or approximate dates of administration of **protected topic**  
48 surveys ~~concerning the protected topics.~~ **At least 10 days prior to the**  
49 **administration of a protected topic survey, p**Parents and eligible students  
50 (students who are 18 years of age or older or who are emancipated minors)  
51 will be provided the opportunity to review both electronically and in  
52 person the process for providing consent to participate in the **protected**  
53 **topic survey and the full text of the protected topic survey** ~~have the right to~~  
54 ~~review any survey that concerns one of the protected topics or any~~  
55 ~~instructional materials used in any such survey.~~

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57 c. Parental Consent

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59 Before a student **will be permitted** ~~is required~~ to participate in any  
60 **protected topic** Department of Education-funded survey, ~~analysis, or~~  
61 ~~evaluation that reveals information concerning a protected topic,~~ the  
62 parent or eligible student must provide prior written **or electronic** consent.

63  
64 If prior written consent is not mandated for a survey involving a protected  
65 topic (because the survey either is not required or is not funded in whole  
66 or part by the Department of Education), the parent or eligible student  
67 must be given an opportunity to opt out.

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69 **B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS**

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71 Before any student well-being questionnaire or health screening form is administered to  
72 students in kindergarten through third grade, the principal or designee shall provide  
73 parents with a copy of the questionnaire or form and shall inform parents of the means for  
74 parents to consent to the use of the questionnaire or form for their children. See also  
75 policy 1310/4002, Parental Involvement.

76  
77 If a well-being questionnaire or health screening form falls under the definition of a  
78 protected topic survey, all rules for protected topic surveys, as described above in  
79 subsection A.2, also apply.

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81 **C. OTHER SURVEYS CREATED BY A THIRD PARTY SURVEYS**

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

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86 **D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES**

88 The school system generally will not collect, disclose, or use personal student  
89 information for the purpose of marketing or selling the information or otherwise  
90 providing the information to others for that purpose. However, in the event the board  
91 approves a collection, disclosure, or use of personal student information for one of those  
92 purposes, the school system will (1) notify parents at the beginning of each school year of  
93 the specific or approximate dates of such collection, disclosure, or use, (2) allow parents  
94 to inspect any instrument used to collect the information before the instrument is  
95 administered or distributed to a student, and (3) offer the parent the opportunity to opt out  
96 of the collection, disclosure, or use of the student's personal information.  
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98 The preceding rules for the collection, disclosure, and use of personal student information  
99 do not apply if the school system collects, discloses, or uses personal information from  
100 students for the exclusive purpose of developing, evaluating, or providing educational  
101 products or services for or to students or educational institutions, such as the following:  
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- 103 1. college or other postsecondary education recruitment or military recruitment;
- 104 2. book clubs, magazines, and programs providing access to low-cost literary  
105 products;
- 106 3. curriculum and instructional material used by elementary schools and secondary  
107 schools;
- 108 4. tests and assessments used by elementary schools and secondary schools to  
109 provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement  
110 information about students (or to generate other statistically useful data for the  
111 purpose of securing such tests and assessments) and the subsequent analysis and  
112 public release of the aggregate data from such tests and assessments;
- 113 5. the sale by students of products or services to raise funds for school-related or  
114 education-related activities; and  
115 6. student recognition programs.
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#### 122 **E. OTHER RELEVANT POLICIES**

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124 In addition to this policy, the board, with parental and community input, has developed  
125 other policies concerning surveys and related matters as required by the Protection of  
126 Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement;  
127 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student  
128 Records; and 5240, Advertising in the Schools.  
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130 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt.  
131 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -  
132 76.45(a)(3), -76.65, -402.15  
133  
134 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance  
135 Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials  
136 (policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700),  
137 Advertising in the Schools (policy 5240)  
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139 Adopted: December 18, 2017  
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141 Revised: December 20, 2021; [DATE]

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