

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”:

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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;
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19 e. critical appraisals of other individuals with whom respondents have close
20 family relationships;
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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

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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. These
41 measures may include limiting access to completed surveys and to survey
42 results, as allowed by law.

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44 b. Parental Notification and Consent

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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. At least 10 days prior to the administration of a protected topic
49 survey, parents and eligible students (students who are 18 years of age or
50 older or who are emancipated minors) will be provided the opportunity to
51 review both electronically and in person the process for providing consent
52 to participate in the protected topic survey and the full text of the protected
53 topic survey.

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55 e. ~~Parental Consent~~

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57 Parents will be provided notice of the opportunity to opt out of any
58 protected topic survey given as part of the Centers for Disease Control and
59 Prevention's Youth Risk Behavior Surveillance System or National Youth
60 Tobacco Survey. Before a student will be permitted to participate in any
61 protected topic survey, the parent or eligible student must provide prior
62 written ~~or electronic~~ consent.

63
64 **B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS**

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

71
72 If a well-being questionnaire or health screening form falls under the definition of a
73 protected topic survey, all rules for protected topic surveys, as described above in
74 subsection A.2, also apply.

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

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

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

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83 The school system generally will not collect, disclose, or use personal student
84 information for the purpose of marketing or selling the information or otherwise
85 providing the information to others for that purpose. However, in the event the board
86 approves a collection, disclosure, or use of personal student information for one of those
87 purposes, the school system will (1) notify parents at the beginning of each school year of
88 the specific or approximate dates of such collection, disclosure, or use, (2) allow parents

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

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119 In addition to this policy, the board, with parental and community input, has developed
120 other policies concerning surveys and related matters as required by the Protection of
121 Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement;
122 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student
123 Records; and 5240, Advertising in the Schools.
124

125 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt.
126 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -
127 76.45(a)(3), -76.65, -402.15
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129 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance
130 Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials
131 (policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700),
132 Advertising in the Schools (policy 5240)

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134 Adopted: December 18, 2017

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136 Revised: December 20, 2021; November 6, 2023; [DATE]

REVISED