

## STUDENT PRIVACY

In accordance with federal law, the Westfield Public Schools adopts, in consultation with parents, the following provisions related to student privacy.

### **I. Definitions**

A. *“Invasive physical examination”* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

B. *“Parent”* includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

C. *“Personally identifiable information”* includes, but is not limited to, the name and address of the student, student’s parent, or other family member, the student’s personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student’s identity easily traceable.

D. *“Personal information”* means individually identifiable information including-

1. a student’s or parent’s first and last name;
2. a home or other physical address (including a street name and the name of a city or town);
3. a telephone number or;
4. a Social Security identification number.

E. *“Survey”* includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

### **II. Student Surveys**

A. *Surveys Funded in Whole or in Part by the U.S. Department of Education:*

1. The administration shall make available for inspection by parents all instructional materials, including teacher’s manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or emancipated minor), prior to requiring a student to submit to a survey, analysis or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

- a. Political affiliations or beliefs of the student or the student's parent;
- b. Mental or physiological problems of the student or the student's parent;
- c. Sex behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of other individuals with whom respondents have close family relationships;
- f. Legally recognized privileged or analogous relationship, such as those of lawyers, physicians, and ministers;
- g. Religious practices, affiliations, or beliefs of the student or of the student's parent; or
- h. Income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

*B. Surveys Funded by Sources Other than the U.S. Department of Education:*

1. Third Party Surveys

- a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
- b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
- c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

- a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):
  - i) Political affiliations or beliefs of the student or the student's parent,
  - ii) Mental or psychological problems of the student or the student's parent,
  - iii) Sex behavior or attitudes,
  - iv) Illegal, anti-social, self-incriminating, or demeaning behavior,

- v) Critical appraisals of other individuals with whom respondents have close family relationships,
- vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers,
- vii) Religious practices, affiliations, or beliefs of the student or the student's parent,
- viii) Income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program)

b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.

c. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

d. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

### **III. Collection of Personal Information**

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from the students for the purpose of marketing, selling or otherwise distributing the personal information to others.

E. The provisions regarding the collection, disclosure and /or use of personal information do not apply to 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, such as the following:

1. College or other post-secondary education recruitment, or military recruitment\*;
2. Book clubs, magazines, and programs providing access to low-cost literary products;
3. Curriculum and instructional materials used by elementary schools and secondary schools;
4. Tests and assessments used by elementary schools and secondary schools to provide a cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. The sale by students of products or services to raise funds for school related or education-related activities;
6. Student recognition programs

\*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen or emancipated minors to prevent disclosure to secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

#### **IV. Non-Emergency Invasive Physical Examinations and Screenings**

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:

1. They are required as a condition of attendance;
2. They are administered by the school and scheduled by the school in advance;
3. They are not necessary to protect the immediate health and safety of the students;  
and
4. They are not required by state law.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students(or the affected student if eighteen or older or an emancipated minor)of the

district's intent to conduct non-emergency invasive physical examination(s) /screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) / screening(s).

C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

**V. Complaint Procedure**

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

Legal References:

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g et. seq.

Pupil Privacy Rights Act, as amended by the No Child Left Behind Act of 2001, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h.

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