

Policy #:333

## **SCHOOL DISTRICT OF WEBSTER**

**Date Adopted:** April 25, 2022

**Date Revised:**

**Policy Title: Parent Rights in Relation to District Programs/Activities and Student Privacy**

Student and parental privacy rights as established under state and federal law shall be respected in all classroom, counseling, and other student activities.

### **Student Surveys, Analyses, Evaluations or Psychiatric or Psychological Examinations**

The District shall provide to the parent or guardian of each affected student advance notice of the District's intent to administer any survey, analysis, or evaluation, or any psychiatric or psychological examination or test, that is administered by the District where the activity in question contains or reveals information concerning any of the following:

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

The notice shall include the scheduled or approximate date of the activity. Before requiring a student to participate in any of the above-mentioned activities, the District shall obtain advance, written consent from a parent or guardian (or from an adult student, if applicable).

The following additional arrangements apply to further protect student privacy in the event the District administers or distributes any survey that contains or would reveal protected information in any of the eight sensitive categories listed above: (1) unless the parent notification of the survey expressly states that the survey responses will not be anonymous or voluntary for the student, the survey responses shall be anonymous and student participation shall be voluntary; and (2) the building principal or designee shall define procedures to protect the on-going privacy of any personally-identifiable survey responses.

Upon request to the District, the parent or guardian of a student may inspect any survey the District intends to administer or distribute to students that contains or that would reveal

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protected information in any of the eight sensitive categories listed above, and any survey created by a third party (regardless of content) before the survey is administered or distributed by a school to a student. All such requests shall be handled in a timely manner.

### **Collection, Disclosure and Use of Personal Information for Marketing Purposes**

The District shall provide to the parent or guardian of each affected student advance notice of the District's intent to collect, disclose or use personal information collected from students for the purpose of marketing, or otherwise providing that information to others for that purpose. The notice shall identify the scheduled or approximate date of the activity. The parent or guardian shall have the right to opt their child out of participation in any such marketing activity. "Personal information" as used in this policy includes individually identifiable information such as a student's, parent's or guardian's first and last name, address, or telephone number.

The following additional arrangements apply for the protection of student privacy in the event that the District collects, discloses or uses personal information from students for the purpose of marketing, or otherwise provides personal information to others for that purpose:

1. The use of any instrument to collect personal information from students for the purpose of marketing must have the express pre-approval of the District Administrator. Upon request to the District, the parent or guardian of a student may inspect any instrument used in the collection of personal information from students for the purpose of marketing, or otherwise providing that information to others for that purpose.
2. The District shall not sell, or allow the collection of personal information from students by others for the purpose of selling, any lists or other records that contain student, parent or guardian names, addresses, telephone numbers, or email addresses.
3. The District shall not collect, disclose or use a student's, parent's or guardian's social security number for any marketing purpose, or for the purpose of selling such numbers.
4. The District shall not use a student's, parent's or guardian's name, portrait or picture for advertising purposes, including for advertisements that imply endorsement of the District or its programs, without having first obtained the written consent of the person, or if the person is a minor, his/her parent or guardian.
5. The District shall honor any parent or guardian opt-out from the disclosure of personal information that is identified as "directory data" under the District's student record policies and/or procedures as an opt-out from the District's disclosure of any personal information collected from his/her student to any third party for the purpose of marketing.
6. The person administering or distributing any instrument to students that concerns the collection of personal information from students for the purpose of marketing shall inform students that their participation in any such activity is voluntary (i.e., the student retains the choice to participate, even though the student's parent or guardian did not preemptively opt the student out of participation).

### **Inspection of Instructional Materials**

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Upon request to the District, the parent or guardian of a student may inspect any instructional materials (exclusive of tests or assessments) used as part of the educational curriculum for the student, which shall be interpreted to include, for example, (1) the curriculum and instructional materials used in any human growth and development instructional program; and (2) the instructional materials used in connection with any survey, analysis or evaluation (including any research or experimentation program or project designed to explore new or unproven teaching methods) that is funded in whole or in part by any U.S. Department of Education program. All such requests shall be handled in a timely manner.

### **Student Physical Examinations or Screenings**

The District shall, at no time, administer any non-emergency, invasive physical examination or screening not required under state law that is: (a) administered by the school and scheduled by the school in advance; and (b) not necessary to protect the immediate health and safety of the student, or of other students. The term “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 in the body. It does not include a hearing, vision or scoliosis screening, or any immunizations/vaccinations where prior parental consent for the immunization/vaccination has been obtained.

In addition to the provisions above regarding non-emergency, invasive physical examinations, and excluding all surveys and evaluations administered to a student in accordance with the federal Individuals with Disabilities Education Act (IDEA), the following arrangements concern the District’s administration of physical examinations or screenings to students: **[add any applicable local information concerning such physical examinations and screenings, or address this PPRA requirement in a separate policy or rule on student health examinations or screenings].**

### **Student Mental Health Assessments and Mental Health Services**

Before the District conducts a formal mental health assessment of any child or provides mental health services to any child, the District shall provide advance written notice to the child’s parent describing such assessments or services and obtain the written consent of a parent for the child’s participation. If applicable, any such notice and consent procedures will be directed to an adult student.

### **Group Counseling or Other Group Treatment-Related Activities**

To the extent the activity is neither directly related to academic instruction nor separately authorized in accordance with the Individuals with Disabilities Education Act (IDEA), the District shall obtain advance, written consent from a parent or guardian (or from an adult student, if applicable) before requiring a student to participate in any group counseling or other group treatment-related activities.

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The District shall inform parents and guardians of this policy annually at the beginning of each school year. Any changes to this policy shall be made in consultation with parents and guardians of students.

### Legal References:

#### Wisconsin Statutes

- [Section 118.01\(2\)\(d\)2.c](#) [student exemption from certain health education activities]
- [Section 118.019](#) [human growth and development instruction]

#### Federal Laws

- [20 U.S.C. §1232h](#) [Protection of Pupil Rights Provision of General Education Provisions; student privacy policies required and other privacy and parent's rights mandates]
- [20 U.S.C. §7101](#) [parent consent generally required for children to participate in certain federally-funded activities involving mental-health assessments or services; prohibition on mandatory prescriptions for medication]
- [34 C.F.R. Sections 98.3 and 98.4](#) [U.S. Department of Education Regulations; last issued/revised under prior versions of the PPRA]