

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS
TO MINORS**

The Board will implement the provisions of the Protection of Pupil Rights Amendment (“PPRA”), which governs the administration to students of a survey, analysis, or evaluation concerning one or more of the following protected areas:

- a) Political affiliations or beliefs of the student or the student’s parent or guardian;
- b) Mental or psychological problems of the student or the student’s family;
- 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 relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student’s parent or guardian;
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
- i) Other applicable areas of student privacy, including parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (“IDEA”) and does not supersede any of the requirements of the Family Educational Rights and Privacy Act (“FERPA”).

The rights provided to parents or guardians under PPRA transfer from the parent or guardian to the student when the student turns 18 years old or is an emancipated minor under applicable state law.

The BOCES may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental or guardian involvement in areas affecting the in-school privacy of students.

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Parental Notification of Policies

Before undertaking any survey, analysis, evaluation, or any other activity covered by the PPRA, the BOCES will provide reasonable notice of this policy to parents or guardians and eligible students attending in the BOCES. The notification will be sent by U.S. mail or e-mail, and will contain the specific dates or periods of time during which surveys, analysis, or evaluations will be conducted. Further, in the notification, the BOCES will offer an opportunity for parents or guardians to provide written consent to participate in, or alternatively to opt their child out of, any or all of the following activities in accordance with law and the surveys conducted:

- a) The administration of any survey containing one or more of the protected areas listed above.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and 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 the examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Surveys funded by the U.S. Department of Education

The BOCES is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education ("DOE").

The BOCES will make instructional materials available for inspection by parents or guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their child is a participant. In addition, the BOCES will obtain prior written parental or guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas listed above.

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Surveys Funded by Sources Other than U.S. Department of Education

The BOCES establishes the following provisions for surveys funded by sources other than the DOE:

- a) A parent or guardian is permitted to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the BOCES to a student. Requests to inspect the surveys are to be submitted, in writing, to the administrator with supervisory responsibility over the applicable program at least ten school days prior to the administration or distribution of any survey.
- b) Arrangements will be provided by the BOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the protected areas, including the right of the parent or guardian to inspect, upon request, any survey containing one or more of the protected areas. These requests must be submitted in writing to the administrator with supervisory responsibility over the applicable program at least ten school days prior to the administration or distribution of any survey.
- c) Parents or guardians will be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the BOCES, for the purposes of this policy, as 30 calendar days) after the request is received by the BOCES. Requests must be submitted by parents or guardians, in writing, to the administrator with supervisory responsibility over the applicable program. The term “instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- d) This policy does not apply to any physical examination or screening that is permitted or required by any provision of New York State law, including physical examinations or screenings that are permitted without parental notification.
- e) In implementing the sections of this policy relating to physical examinations or screenings that the BOCES may administer to students, the Board does not intend for this policy to invalidate or supersede any other BOCES Board policies relating to administration of medicine, immunization of students, or the conduct of student physicals.

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- f) Unless mandated or authorized in accordance with federal or state law or regulation, it is policy of the Board to prohibit the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian's first and last name, home address, telephone number, or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the District Superintendent or designee.

This policy is not intended to preempt applicable provisions of state law that require parental or guardian notification.

These requirements do not apply to the collection, disclosure, or use of 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:

- a) College or other postsecondary education recruitment, or military recruitment;¹
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

¹ *Military recruiter access to student information is governed by FERPA and the National Defense Authorization Act for Fiscal Year 2002.*

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Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g), as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232(h)
34 CFR Part 98
34 CFR Part 99

Adopted: December 20, 2018