

The superintendent shall ensure that all notification and other requirements of state law and the Protection of Pupil Rights Amendment are met, ~~along with any other~~including all legal requirements regarding the surveying of students.

For the purpose of this policy, a “survey” includes any activity that involves collection by staff or required disclosure to staff or others by students of information on one or more of the protected topics listed below. This definition does not include pedagogically appropriate activities that may encourage students to consider or reflect on information related to the protected topics provided that the teacher does not require students to disclose information on one of these protected topics.

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic Survey

~~The school system must obtain prior written consent of a parent/guardian or eligible student before the student is required to participate in any survey, analysis, or evaluation that reveals information concerning~~ For purposes of this policy, the following are considered a “protected topics.”:—According to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(d), an “eligible student” is defined as a, “student who has reached the age of 18 or who is attending a postsecondary institution at any age. Once a student becomes an ‘eligible student,’ the rights afforded his or her parents/guardians under FERPA transfer to that student.”

- a. political affiliations or beliefs of the student or the student’s parent/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 the student’s parent/guardian; or

- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

2. Rules Regarding Protected Topic Surveys Involving Protected Topics

a. Protection of Student Privacy

~~Upon request, parents/guardians have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.~~ The school system will take measures to protect the identification and privacy of students participating in any ~~survey concerning any of the protected topics~~ protected topic survey. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents/guardians at the beginning of each school year of the specific or approximate dates of administration of ~~surveys concerning the protected topics~~ protected topic surveys. At least 10 days prior to the administration of a protected topic survey, Pparents/Gguardians and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey~~have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The school system must obtain prior written consent of a parent/guardian or eligible student before the student participates in the survey(s).~~

c. Parental Consent

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

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

B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS

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

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

C. OTHER SURVEYS CREATED BY A THIRD PARTY SURVEYS

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

B.D. SURVEY COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules for the collection, disclosure, and use of personal student information do not apply. However, if the school system may collect, disclose, or use such personal information from students if the information is used 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 postsecondary education recruitment or military recruitment;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. 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 such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

~~Parents/Guardians will be notified if the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, and upon request, may inspect any instrument used to collect the information before it is administered or distributed to a student.~~

C.E. PARENT/GUARDIAN INVOLVEMENT OTHER RELEVANT POLICIES

~~The Wake County Board of Education and superintendent will work with parents/guardians to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected topic; (3) parental/guardian rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure, or use of personal information for marketing or selling purposes.~~ In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment.

Legal References: -Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, ~~h~~, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -76.45(a)(3), -76.65, -402.15

Adopted: -June 1, 2021

Revised: [DATE]