

The superintendent shall ensure that all notification requirements of the Protection of Pupil Rights Amendment are met, along with any other 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. PROTECTED TOPICS**

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 the following “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.”

1. political affiliations or beliefs of the student or the student’s parent/guardian;
2. mental or psychological problems of the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or the student’s parent/guardian; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

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. 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 must obtain prior written consent of a parent/guardian or eligible student before the student participates in the survey(s).

## **B. 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, the school system may collect such 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. PARENT/GUARDIAN INVOLVEMENT**

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.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 115C-36

Adopted: