

Book	Policy Manual
Section	5000 - Student Policies
Title	Student Privacy
Code	5550
Status	Active
Legal	Reviewed by Counsel December 4, 2014
Adopted	December 18, 2014

The Board of Education recognizes its responsibility to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of student data which is collected surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

Privacy and Security of Student Data

The Board of Education is committed to protecting the privacy and security of each and every student's data. In accordance with law, the following shall govern parental rights concerning their child's data:

1. A student's personally identifiable information cannot be sold or released for any commercial purposes.
2. Parents/guardians have the right to inspect and review the complete contents of their child's education record.
3. The confidentiality of a student's personally identifiable information is protected by existing state and federal laws, and safeguards such as encryption, firewalls, and password protection, must be in place when data is stored or transferred.
4. Parents/guardians have the right to file complaints about possible breaches of student data. Parents/guardians may submit a complaint regarding a potential breach by the School District to . Complaints pertaining to the State Education Department or one of its third party vendors should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov. The complaint process is under development and will be established through regulations to be proposed by the State Education Department's Chief Privacy Officer.

5. The School District will post a Parents'/Guardians' Bill of Rights in accordance with the requirements of Education Law.
6. Upon the adoption of regulations and guidance from the State Education Department, as required by Education Law 2-d(3)(d) and 2-d(5)(a-b), if the School District enters into a contract with a third party in which student, teacher, or principal data is shared with the third party, supplemental information for each such contract will be appended to this Parent's Bill of Rights.

Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board of Education policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or 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; 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).

In the event that the School District plans to survey students to gather information included in the list above, the School District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board of Education not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. "Personal Information" is defined as: "individually identifiable information concerning the student, including a student's or parent's first and last name, home address, telephone numbers and/or social security number." This does 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:

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 materials used in schools;
4. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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. Student recognition programs; and
6. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the School District, disclosure or use of student personal information will be protected by the School District pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For guidance regarding the disclosure of “directory information,” rather than personal information, see Policy 5500, Student Records.]

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments.”

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student’s parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification. 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 injecting into the body, but does not include a hearing, vision or scoliosis screening.

Notification

Parents/guardians and eligible students shall be notified of this policy at least annually, at the beginning of the school year and when enrolling students for the first time in School District schools. In the annual notification, the School District shall notify the parents/guardians and eligible students of the specific or approximate dates during the school year when the activities involving collection, disclosure or use of personal information collected from students for the purpose of marketing or selling the information, administration of any surveys, and any non-emergency, invasive physical exams or screenings, are scheduled or expected to be scheduled. The annual notification shall also inform parents/guardians and eligible students that, upon request, the School District will disclose the name, address and telephone number of high school students to military recruiters and institutions of higher learning unless the parents/guardians or eligible students exercise their right to prohibit the release of the information without prior written consent. The School District shall also notify parents/guardians and eligible students within a reasonable period of time after any substantive change to this policy.

Cross-ref:

5500 Student Records
8635 Information Security Breach and Notification

Ref:

20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law, section 2-d