

Students

STUDENT AND FAMILY PRIVACY RIGHTS

Definition

Personal directory information means individually identifiable information including a student's or parent's/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items:
(20 USC 1232h: Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family.
2. Mental or psychological problems of the student or his/her family.
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality.
4. Illegal, anti-social, self-incriminating or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers.
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian.
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program.

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

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(cf. 6162.51 – Standardized Testing and Reporting Program)

Notwithstanding the above requirements, the District may administer to students in Grades 7 and above, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

Collection of Personal Information for Marketing or Sale

The Governing Board prohibits District staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Exceptions to Collection of Personal Information

Any District restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

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 by elementary and secondary schools.
4. Tests and assessments 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.

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(cf. 1321 – Fundraising/Solicitations)

6. Student recognition programs

(cf. 5126 – Student Awards and Incentives)

Requirements for Contracts Regarding Digital Storage, Management, and Retrieval of Pupil Records

Technology service agreements entered into by the District, including those that utilize electronic technology, such as cloud-based services, for the digital storage, management, and retrieval of pupil records, as well as educational software that authorizes a third-party provider to access, store, and use pupil records, must include specific requirements. All of the following requirements must be included in such contracts: (Education Code 49073.1)

1. A statement that pupil records continue to be the property of and under the control of the District;
2. A description of the means by which pupils may retain possession and control over their own pupil-generated content, if applicable, including options by which a pupil may transfer pupil-generated content to a personal account;
3. A prohibition against the third party using any information in the pupil's record for any purpose other than those required or specifically permitted by the contract;
4. A description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's record and correct erroneous information;
5. A description of the actions the third party will take—including the designation and training of responsible individuals—to ensure the security and confidentiality of pupil records;
6. A description of the procedures for notifying the affected parent, legal guardian, or eligible pupil in the event of an unauthorized disclosure of the pupil's records;

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7. A certification that a pupil's record shall not be retained or available to the third party upon completion of the terms on the contract and a description of how that certification will be enforced (Note: This requirement does not apply to pupil-generated content if the pupil chooses to establish or maintain an account with the third party for the purposes of storing that content, either by retaining possession and control over their own pupil-generated content, or by transferring pupil-generated content to a personal account.);
8. A description of how the District and the third party will jointly ensure compliance with the federal Family Education Rights and Privacy Act; and
9. A prohibition against the third party using personally identifiable information in pupil records to engage in targeted advertising.

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

1. Upon request, inspect that survey or evaluation before it is administered to his/her child or any instructional material used as part of his/her child's educational curriculum.

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, evaluation, or instructional material. A parent/guardian may view the document during normal business hours.

1. Refuse to allow his/her child to participate in the activity.

Students whose parents/guardians exercise this option shall not be penalized by the District. (20 USC 1232h)

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as

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permitted or required under California law. (20 USC 1232h)

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 into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5141.3 – Health Examinations)

Notifications

At the beginning of the school year, the Superintendent/designee shall notify parents/guardians of: (20 USC 1232h)

1. The District's policy regarding student privacy.
2. The process to opt their children out of participation in any activity described in Board Policy and Administrative Regulation 5022.
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information.
 - b. Physical exams or screenings.

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in Grades 7 and above, the District shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in Board Policy and Administrative Regulation 5022 within a reasonable period of time after adoption of the change. (20 USC 1232h)

Regulation:

Reviewed: 03/06/07

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California