

Book	Policy Manual
Section	Special Update - July 2023 for Board Approval
Title	Revised Policy - Special Update - July 2023 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION
Code	po2416
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Adopted	February 26, 2006

Revised Policy - Special Update - July 2023

2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The School Board respects the privacy rights of parents and their children. No student shall be required as a part of the school program or the School Corporation's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, ~~his/her parents~~ **the student's parent**, to submit to or participate in any ~~survey, personal analysis, or evaluation, or survey~~ that reveals ~~information or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings~~ concerning:

- A. ~~political affiliations or beliefs of the student or his/her parents;~~
- B. **religious beliefs or practices of the student or the student's family;**
- C. mental or psychological ~~problems of~~ **conditions that may embarrass** the student or ~~his/her~~ **the student's** family;
- D. ~~sex~~ **sexual** behavior or attitudes;
- E. illegal, anti-social, self-incriminating, or demeaning behavior;
- F. critical appraisals of other individuals with whom ~~respondents have~~ **the student has a** close family ~~relationships~~ **relationship**;
- G. legally recognized privileged ~~and analogous relationships, such as those of lawyers, physicians, and ministers or confidential relationships, including a relationship with a lawyer, minister, or physician;~~ or
- ~~H. religious practices, affiliations, or beliefs of the student or his/her parents; or~~
- I. income (~~other than that~~ **except as** required by law to determine eligibility for participation in a program or for receiving financial assistance under ~~such~~ a program).

~~The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.~~

~~Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.~~

~~Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.~~

Additionally, no student shall be required, without prior written consent of the student, if an adult or emancipated minor, or the student's parent if an unemancipated minor, to submit to or participate in any personal analysis, evaluation, or survey administered by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings. A request for written consent shall include an explanation of the reasons for a personal analysis, evaluation, or survey administered by a third party vendor. The Corporation or school shall post a copy of a personal analysis, evaluation, or survey administered by a third party vendor on the Corporation or school website.

If the Corporation or a school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the Corporation or school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student.

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

The Board shall notify parents and students of the above rights.

A parent of the student or the student, if the student is an adult or an emancipated minor, may submit a complaint for a violation of policies and procedures related to personal analyses, evaluations, or surveys under the grievance procedures described in Policy 5710 - Student Complaints and Policy 9130 - Public Complaints and Concerns.

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third party vendor does not comply with the requirements in I.C. 20-26-21, the third party vendor has committed a breach of contract.

See also Policy 2221 - Mandatory Curriculum

~~{ CHOOSE OPTION #1 OR OPTION #2 (Be sure this choice is consistent with Policy 8330.) }~~

~~X~~] [OPTION 1]

The Board will not allow 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).

The Superintendent is directed to provide notice directly to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

~~{ END OPTION 1 }~~

~~{ } [OPTION 2]~~

~~The Board will allow 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).~~

~~Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.~~

~~The term "personal information" means individually identifiable information including: a student or parent'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; and a Social Security identification number.~~

~~This section 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 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) curricular and instructional materials used by elementary 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.

The Superintendent is directed to provide notice directly to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- A. 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);
- B. The administration of any survey by a third party that contains one or more of the items described in A through H above.

[END OPTION 2]

Parental Notification Regarding Identification

The Corporation shall, in compliance with I.C. 20-33-7.5, notify at least one (1) parent, if the student is an unemancipated minor, of a request made by the student to change the student's name or the pronoun, title, or word used to identify the student. This notification shall be made within five (5) business days after a school receives the request from the student.

This notification provision may not be construed to require a school psychologist, a school nurse, a school social worker, or a school counselor to violate a Federal law or regulation.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

I.C. 20-26-21

I.C. 20-30-5-17

I.C. 20-33-7.5

20 U.S.C. 1232g

20 U.S.C. 1232h

34 C.F.R. 98.3

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Legal

I.C. 20-26-21

I.C. 20-30-5-17

I.C. 20-33-7.5

20 U.S.C. 1232g

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