

POLICY C8: PUPIL PRIVACY

It is the intent of the Orange Southwest School District to comply with the provisions of the federal Pupil Privacy Rights Amendment (PPRA)^[2] and Vermont State Board of Education Rules^[3] governing the administration of certain student surveys, analyses or evaluations.^[4]

Administrative Responsibilities

The superintendent of his or her designee shall develop administrative procedures to ensure school district compliance with applicable federal and state laws related to pupil privacy. The administrative procedures shall include provisions related to the following legal requirements.^[5]

1. The right of parents or eligible students to inspect surveys created by third parties before administration or distribution of the surveys to students;
2. Any applicable procedures for granting request by a parent for access to such survey within reasonable time after a request is received;
3. Arrangements of protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed in the federal Pupil Privacy Rights Amendment;^[6]
4. The right of a parent to inspect any instructional material used as part of the educational curriculum for the parent's child, and any applicable procedures for granting access to such material within a reasonable time after the request is received.^[7]
5. The administration of physical examinations or screenings that the school district may administer to a student;^[8]
6. The collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, including arrangements to protect student privacy in the event of such collection, disclosure or use.^[9]
7. The right of a parent of a student to inspect any instrument used in the collection of personal information under subparagraph (6) above, and any applicable procedures for granting a request for such inspection within a reasonable time after receiving the request;^[10]
8. Provisions to ensure that parents are notified of the school district policies and procedures adopted to comply with federal and state laws and regulations governing pupil privacy, including, but not limited to, notification of activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose), the administration of surveys containing items specifically listed in the Pupil Privacy Rights Amendment, and any

nonemergency, invasive physical examination or screening that is (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.^[11]

9. The rights of a parent under the PPRA transfer to a student who is 18 years old or an emancipated minor under state law.

^[11] This policy is required by the Federal Protection of Pupil Rights Act, 20 U.S.C. § 1232h; Vermont State Board Manual of Rules and Practices, Rule 2113.

^[2] See 20 U.S.C. 1232h.

^[3] See Vermont State Board of Education Rule 2113.

^[4] The federal law and state regulations requiring board policies on this subject are in some instances limited to surveys, analyses or evaluations funded in whole or in part by the U.S. Department of Education. See 20 U.S.C. § 1232h(c)(1). At the board's discretion, the protections provided by this policy could be expanded to include all surveys conducted by the school district, regardless of the survey's funding source.

^[5] See 20 U.S.C. §1232h(c)(1).

^[6] See 20 U.S.C. §1232h(c)(1)(B) for the list of eight items that must be included.

^[7] See 20 U.S.C. §1232h(c)(1)(C).

^[8] See 20 U.S.C. §1232h(c)(1)(D).

^[9] See 20 U.S.C. §1232h(c)(1)(E).

^[10] See 20 U.S.C. §1232h(c)(1)(F)

^[11] See 20 U.S.C. §1232h(c)(2).

Date Warned: May 11, 2022

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