

INSTRUCTION

Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent(s)/guardian(s) of a child without obstruction or interference by a governmental entity in accordance with the common law, state and federal law, and Board policies.

Except for information that is necessary and essential for establishing a student's education record or for a demographic survey to validate an achievement test used to gain admission to a postsecondary institution, a parent has the right to:

- Opt a child out of any personal analysis, evaluation, survey, or data collection by the District that does not require the student's personally identifiable information; or
- Opt a child into any personal analysis, evaluation, survey, or data collection by the District that requires the student's personally identifiable information.

Surveys - General

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the District's educational objectives as identified in Board policy. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

Surveys Created by a Third Party

Before the District administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request. This section applies to every survey that is created by a person or entity other than a District official, staff member, or student, regardless of whether the student answering the questions can be identified, and regardless of the subject matter of the questions.

Surveys Requesting Personal Information

School officials and staff members shall not request, nor disclose, the identity of any student who completes ANY survey containing one (1) or more of the following items:

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. Behavior or attitudes about sex;
4. Illegal, antisocial, 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 with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The student's parent(s)/guardian(s) may inspect the survey within a reasonable time of the request, and/or refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum. The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or 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 academic assessments.

Collection of Personal Information from Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including: (1) a student's or parent(s)/guardian(s) first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) telephone number, or (4) a Social Security identification number.

The District will not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The District, however, is not prohibited from collecting, disclosing, or using 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 post-secondary 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 schools 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;
6. Student recognition programs.

Notification of Rights and Procedures

The Superintendent or designee shall notify students' parent(s)/guardian(s) of this policy as well as its availability from the administration office upon request; how to opt their child out of participation in activities as provided in this policy; the approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled; and how to request access to any survey or other material described in this policy.

This notification shall be given parent(s)/guardian(s) at least annually at the beginning of the school year and within a reasonable period after any substantive change in this policy.

The rights provided to parent(s)/guardian(s) in this policy transfer to the student when the student turns eighteen (18) years of age or is an emancipated minor.

Cross Reference:	2060	Instructional Materials
	4040	School, Student, Parent, Family and Community Engagement in Education
	3410	Student Health Physical Screenings Examinations
Legal Reference:	20 U.S.C. 1232h	Protection of Pupil Rights
	§ 40-6-701, MCA	Interference with Fundamental Parental Rights Restricted (<i>revised by House Bill 676</i>)

Policy History:

Adopted on:	5.8.2012
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