

## CHAPTER 6

### 6.11 Protection of Pupil Rights (Adopted 01/24/06)

The Protection of Pupil Rights Act (PPRA) affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes and certain physical exams.

#### 6.11.1 Definitions

##### 6.11.1.1 Instructional Material

Instructional material 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). The term does not include academic tests or academic assessments.

##### 6.11.1.2 Invasive Physical Examination

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 hearing, vision, or scoliosis screening.

#### 6.11.2 Inspection of Instructional Materials

All instructional material, including teacher’s manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection upon request by eligible students or the parents or guardians of the students. The request to review materials shall be made to the principal of the student’s school.

#### 6.11.3 Prior Consent

Consent must be given before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:

- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family’;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of student or parents; or

- Income, other than as required by law to determine program eligibility.

#### **6.11.4 Notice**

Parents or eligible students have the right to receive notice and opt out of:

- The administration of any survey containing one or more of the eight protected areas of information listed above and that is not funded in whole or in part with Department of Education funds.
- Any non-emergency, invasive physical exam or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and is not necessary to protect the immediate health and safety of the student, or of other students. This does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings permitted without parental notification.
- Activities involving collection disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

#### **6.11.5 Inspection**

Parents or eligible students have the right to inspect upon request and before administration or use:

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

#### **6.11.6 Policy Notification**

Marshall County Schools will notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Marshall County Schools will also directly notify, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide opportunity to opt a student out of participating in:

- Activities involving the collection, disclosure, or use of personal information for marketing, sales or other distribution;
- Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education; or
- Any non-emergency, invasive physical examination or screening as described above.

#### **6.11.7 Policy Development**

Marshall County Schools will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

**6.11.8 Violation of Rights**

Parents/eligible student who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605