

The superintendent shall ensure that all notification and other requirements of state law and the Protection of Pupil Rights Amendment are met, ~~along with any other~~including all legal requirements regarding the surveying of students.

**A. SURVEYS INVOLVING PROTECTED TOPICS**

~~1. Definition of Protected Topic Survey The school system must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education funded survey, analysis or evaluation that reveals information concerning the following “protected topics”:~~

1.

For purposes of this policy, the following are considered a “protected topic”:

- a.    political affiliations or beliefs of the student or the student’s parent;
- b.       mental or psychological problems of the student or the student's family;
- c.       sex behavior ~~and or~~ attitudes;
- d.       illegal, anti-social, self-incriminating, or demeaning behavior;
- e.       critical appraisals of other individuals with whom respondents have close family relationships;
- f.       legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g.       religious practices, affiliations, or beliefs of the student or the student’s parent; or
- h.       income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

For purposes of this policy, a “protected topic survey” is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

2. Rules Regarding Protected Topic Surveys

a. Protection of Student Privacy

The school system will take measures to protect the identification and privacy of students participating in any protected topic survey. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys. At least 10 days prior to the administration of a protected topic survey, parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey.

c. Parental Consent

Before a student will be permitted to participate in any protected topic survey, the parent or eligible student must provide prior written consent.

**B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS**

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy 1310/4002, Parental Involvement.

If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2., also apply.

**C. OTHER SURVEYS CREATED BY A THIRD PARTY**

Parents and eligible students have the right, upon request, to inspect any other survey created by a third party before the survey is administered or distributed to a student.

~~Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.~~

~~The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics that are not funded in whole or in part by the Department of Education. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents also will have the opportunity to opt their children out of participating in the survey(s).~~

**B.D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES**

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. ~~However, the school system may collect such information from students if the information is used for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:~~ However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allows parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules for the collection, disclosure and use of personal student information do not apply if the school system collects, discloses, or uses personal information 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. curriculum and instructional material used by elementary schools 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.

~~If the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information before it is administered or distributed to a student.~~

**C.E. PARENT INVOLVEMENT OTHER RELEVANT POLICIES**

~~The board and superintendent will work with parents to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected topic; (3) parental rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure or use of personal information for marketing or selling purposes.~~ In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Amendment. These policies include: 1310/4002, Parental Involvement; 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student Records; and 5240, Advertising in the Schools.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99;  
[Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, G.S. 115C-36, -76.25\(a\)\(11\) -76.45\(a\)\(3\), -76.65, -402.15](#)

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), [Parental Inspection of and Objection to Instructional Materials \(policy 3210\)](#), Student Discipline Records (policy 4345), [Student Records \(policy 4700\)](#), [Advertising in the Schools \(policy 5240\)](#)

Replaces: ICC (in part) (adopted February 11, 2003)

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[Revised:](#)