STUDENTS

Student Privacy and Parental Access to Information

I. The Protection of Pupil Rights Amendment (PPRA) gives parents and students who are 18 or older or emancipated minors (“eligible students”) certain rights regarding a school district’s conduct of surveys, collection and use of information for marketing purposes, and conduct of certain physical exams.

A. In order to preserve parental rights to direct the upbringing of their children and to protect student privacy, it is the policy of the Prince William County Public School Board that:

1. A parent of a student may inspect any survey created by a third party before the survey is administered or distributed by a school to a student. The school shall notify parents at least 30 days before the survey is administered, and shall honor requests to inspect the survey as soon as practicable, but in no case later than five working days after the request.

2. A parent of a student may inspect any student survey containing one or more of the items of information listed in subdivision B of this regulation. The school shall notify parents at least 30 days before the survey is administered, and shall honor requests to inspect the survey as soon as practicable, but in no case later than five working days after the request.

3. A parent of a student may inspect any instructional material used as part of the educational curriculum for the student. The school shall notify parents annually of their right to inspect instructional material, and shall honor requests to inspect such material as soon as practicable, but in no case later than five working days after the request.

4. Physical examinations or screenings of students shall occur only as required by state or federal law or authorized by the Superintendent.

5. There shall be no 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).

6. In any case in which a questionnaire or survey requesting sexual information of students is to be administered, the school shall notify the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed.
Parents shall have the right to review the questionnaire or survey and to exempt their child from participating in the survey. However, no questionnaire requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

B. Without the prior written consent of the parent, no student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

C. All externally generated research requests involving the conduct of surveys, collection and use of information for marketing purposes and conduct of physical exams must also conform to the requirements of Prince William County Public Schools Regulation 612-1, Program Evaluation and Research Activities: Research/Surveys/Evaluations.

D. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which shall be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

E. The school system shall provide notice regarding this regulation directly to the parents of students enrolled.

1. Such notice shall be provided at least annually and within 30 days after any substantive change in such policies.
2. All such notices shall offer an opportunity for the parent to opt the student out of participation in covered surveys and non-emergency, invasive physical examinations or screenings.

3. The annual notice shall provide the scheduled or approximate dates during the school year when covered surveys or non-emergency, invasive physical examinations or screenings shall or may occur.

4. A survey is covered by the notice and opt-out provisions above if the survey contains questions on any of the eight matters listed in subdivision B.

5. A non-emergency, invasive physical examination or screening is covered by the notice and opt-out provisions above if it is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student, or of other students.

F. The prohibition on collection, disclosure, or use of personal information for marketing purposes does not include 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. Curriculum and instructional materials 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.
The rights provided to parents under this section transfer to the student when the student turns 18 years old, or becomes emancipated at any age.

As used in this regulation, the following terms have the meanings given below:

1. The term "instructional material" means instructional content that is provided to a student, regardless of its 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.

2. The term "invasive physical examination" means 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.

3. 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).

4. The term "personal information" means individually identifiable information including:
   a. A student or parent's first and last name;
   b. A home or other physical address (including street name and the name of the city or town);
   c. A telephone number; or
   d. A Social Security identification number.

5. The term "student" means any elementary school or secondary school student.

6. The term "survey" includes an evaluation.

The Supervisor of Student Support Services and Director of Student Services are responsible for implementing and monitoring this regulation.

Legal References: 20USC §1232h; Code of Virginia, 22.1-79.3

Cross Reference: Prince William County Public Schools Regulation 612-1
Notification of Rights Under PPRA

The Protection of Pupil Rights Amendment (PPRA) gives parents and students who are 18 or older or emancipated minors ("eligible students") certain rights regarding a school district's conduct of surveys, collection and use of information for marketing purposes, and conduct of certain physical exams. These include the right to:

1. Consent to federally funded surveys concerning "protected information." A student's parents or an eligible student must consent in writing before the student may provide information relating to the following categories:

   - Political affiliations;
   - Mental or psychological problems of the student or student's family;
   - Sexual behavior or attitudes;
   - Illegal, anti-social, self-incriminating, or demeaning behavior;
   - Critical appraisals of student's family members;
   - Privileged or similar relationships recognized by law, such as with attorneys, doctors, and ministers;
   - Religious practices, affiliations, or beliefs of the student or student's parents; or
   - Income other than that required by law to determine program eligibility.

   A survey that concerns any of these points is called a "protected information survey."

2. Opt out of certain surveys and exams. Parents and eligible students shall receive notice of any of the following activities and shall have the right to opt out of them:

   - Activities involving collection, disclosure, or use of personal information obtained from students for purposes of marketing or selling or otherwise distributing the information to others;
   - Any protected information survey, regardless of funding; and
   - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent and scheduled by the school, and not necessary to protect the immediate health and safety of a student or of another student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law.

3. Inspect certain material. Parents and eligible students have the right to inspect the following, upon request, before the district uses them:

   - Protected information surveys of students (including any instructional materials used in connection with the survey);
• Documents 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.

4. Receive notification of district policy. Prince William County Public Schools has developed a policy, in consultation with parents, regarding these rights, and has made arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Prince William County Public Schools shall directly notify parents and eligible students of this policy at least annually at the start of each school year and after any substantive changes are made.

5. Surveys covered under these regulations shall be given on the following dates:

<table>
<thead>
<tr>
<th>Covered Survey</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>