

Board Policy

Code No. 505.4R1

TESTING PROGRAM REGULATION

Boards that receive funds under any applicable program must adopt, in consultation with parents, policies that address the following six items. The school must also provide reasonable notice to parents of the continuation of the policies at least annually at the beginning of the school year and within a reasonable time after an amendment. The school must also give the parents the opportunity to opt their child out of the activity.

1. The right of the parent to inspect a survey created by a third party before that survey is administered by the school to students; also must include any applicable procedures for granting the request within a reasonable time;
2. Arrangements to protect student privacy rights when a survey is administered by the school which contains one of the prohibited eight below, including the right of the parent to inspect the survey;
 - Political affiliations or beliefs of the student or the student's parent;
 - Mental or psychological problems of the student or the student's family,
 - Sex behavior or attitudes;
 - Illegal, anti-social, self-incriminating or demeaning behavior;
 - Critical appraisals of other individuals with whom respondents have close family relationships;
 - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - Religious practices, affiliations, or beliefs of the student or student's parent, or
 - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
3. The right of a parent to inspect any instructional material in the student's curriculum, including procedures for granting access within a reasonable time;
4. The administration of physical exams or screenings the school may administer;
5. The collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose, including arrangements to protect student privacy in the event of such collection, disclosure, or use. Student personal information is defined as a student or parent's name, address, or telephone number. This does not include personal information collected for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions such as:
 - Postsecondary institutions or military recruiters;
 - Book clubs, magazines, and programs providing access to low-cost literary products;
 - Curriculum and instructional materials used by K-12 schools;
 - Tests and assessments used by K-12 to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate statistically useful data for the purpose of securing these tests and assessments, and the subsequent analysis and public release of the aggregate data from these tests and assessments;
 - The sale by students of products or services to raise funds for school or education related activities, or
 - Student recognition program.

6. The right of a parent to inspect the instrument used to collect student personal information before use, including any applicable procedure for granting a request within a reasonable time.

For specific events, the school must notify the parents annually of the projected or approximate dates of the following activities:

1. The collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose;
2. The administration of a survey containing any of the eight items below:
 - Political affiliations or beliefs of the student or the student's parent;
 - Mental or psychological problems of the student or the student's family,
 - Sex behavior or attitudes;
 - Illegal, anti-social, self-incriminating or demeaning behavior;
 - Critical appraisals of other individuals with whom respondents have close family relationships;
 - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - Religious practices, affiliations, or beliefs of the student or student's parent, or
 - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
3. Any non-emergency, invasive physical exam that is required as a condition of attendance, administered by the school in advance of attendance and not necessary to protect the immediate health and safety of the student or other students. Invasive physical exam is defined as 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 exam."

*Reapproved: June 21, 2004
July 9, 2007
July 11, 2011*

Revised: August 6, 2012