



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	2416
Title of Policy:	Student Privacy and Parental Access to Information
Cabinet Member:	Christine Moore
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 9/12/22 (Have to Legal by the week prior to Cabinet) • Work Session – 10/11/22 • Rule Development (Public Hearing) – 10/25/22 • School Board Meeting Information – 10/25/22 • School Board Meeting Approval – 12/13/22 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<p>Specific revisions include:</p> <ul style="list-style-type: none"> • Providing the questionnaire or form to the parent and obtaining permission prior to administering a student well-being questionnaire or health screening to a student in kindergarten through 3rd grade. • These proposed revisions do encompass the suggested language from NEOLA.
Specific Authority:	<p>F.S. 1001.42 F.S. 1002.22 20 U.S.C. 1232g 20 U.S.C. 1232h 34 C.F.R. Part 98</p>
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

BPS Current

2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The Board respects the privacy rights of parents and their children. No student shall be required as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

- A. political affiliations or beliefs of the student or his/her parents;
- B. mental or psychological problems of the student or his/her family;
- C. sex behavior 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 and analogous relationships, such as those of lawyers, physicians, and ministers;
- G. religious practices, affiliations or beliefs of the student or his/her parents; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and 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 assessments.

The Board will not allow the 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).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- A. Activities involving the 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); and

B. The administration of any survey by a third party that contains one or more of the items described in A through H above.

This section does not apply to 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) curricular and instructional materials used by elementary 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.

For purposes of this policy, 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).

Revised 7/22/14

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Legal

F.S. 1002.22

20 U.S.C. 1232g

20 U.S.C. 1232h

Neola Template



Book: Local Policies for Update

Section: Vol. 23, No. 1, June 2022

Title: Revised Policy - Vol. 23, No., June 2022 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

Number: po2416

Revised Policy - Vol. 23, No. 1

2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The School Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

political affiliations or beliefs of the student or his/her parents;

mental or psychological problems of the student or his/her 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 and analogous relationships, such as those of lawyers, physicians, and ministers;

religious practices, affiliations, or beliefs of the student or his/her parents; or

income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the District will provide the questionnaire or form to the parent and obtain the permission of the parent.

[Insert arrangements to protect student privacy in the event of the administration or distribution of a survey or evaluation to a student containing one or more of the items listed in A-H above; including the right of a parent to inspect, upon request, any survey/evaluation containing any of the specified items.]

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student or used in a research or experimentation program in which the student is engaged. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and 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 assessments.

The Board will not allow the 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).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the

substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

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

This section does not apply to 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) curricular and instructional materials used by elementary 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.

For purposes of this policy, 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).

F.S. 1001.42

F.S. 1002.22

20 U.S.C. 1232g

20 U.S.C. 1232h
34 C.F.R. Part 98

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Legal References

F.S. 1001.42
F.S. 1002.22
20 U.S.C. 1232g
20 U.S.C. 1232h
34 C.F.R. Part 98

Redline Draft

2416 - **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

A. The Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

~~1. Political affiliations or beliefs of the student or his/her parents;~~

~~1.~~

~~2. Mental or psychological problems of the student or his/her family;~~

~~2.~~

~~3. Sex behavior or attitudes;~~

~~3.~~

~~4. Illegal, anti-social, self-incriminating, or demeaning behavior;~~

~~4.~~

~~5. Critical appraisals of other individuals with whom respondents have close family relationships;~~

~~5.~~

~~6. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;~~

~~6.~~

~~7. Religious practices, affiliations or beliefs of the student or his/her parents; or~~

~~7.~~

~~8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).~~

~~B.~~

B. The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

C. Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

D. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the District will provide the questionnaire or form to the parent and obtain the permission of the parent.

E. Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and 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 assessments.

F. The Board will not allow the 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).

1. The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A.1 through A.8 above.

G. Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

—The term "personal information" means individually identifiable information including: a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; and a Social Security identification number.~~the following activities are scheduled or expected to be scheduled:~~

- ~~1. Activities involving the 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); and~~

H.

~~A. The administration of any survey by a third party that contains one or more of the items described in A through H above.~~

I. This section does not apply to 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. Curricular and instructional materials used by elementary 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.~~

J. For purposes of this policy, 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).

Revised 7/22/2014

Revised

Revised 7/22/14

F.S. 1001.42

F.S. 1002.22

20 U.S.C. 1232g

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34 C.F.R. Part 98

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Clean Version

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 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 and analogous relationships, such as those of lawyers, physicians, and ministers
 7. Religious practices, affiliations or beliefs of the student or his/her parents
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).
- B. The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.
- C. Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.
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