

**WINNER SCHOOL DISTRICT 59-2
OFFICIAL SCHOOL BOARD POLICY**



POLICY OF PROTECTION OF PUPIL RIGHTS

I. Surveys

The Winner School District recognizes that applicable federal laws, including the Protection of Pupil Rights Amendment (PPRA) and the No Child Left Behind Act of 2001 (NCLB), as well as certain state laws, require that before some surveys of students may be administered by or for the school, certain notifications to students/parents must be given. In keeping with such requirements, the Board of Education of the Winner School District hereby establishes procedures and requirements to be followed before any survey is administered to students regarding any topic set forth below.

This policy applies to the administration to students of a survey, analysis, or evaluation that concerns one or more “protected area” as defined herein.

The Winner School District shall annually give written public notice to students and parents of their rights under this policy and the applicable laws.

In the event that the Winner School District will administer any survey of students which contains one or more questions about a “protected area”, if the survey is funded in whole or in part by U.S. Department of Education funds, the District shall first obtain prior written consent from the parent of any student who is to be surveyed. If any parent declines to give written consent, the student shall not be included in the survey.

For any survey of a “protected area” which is not funded in whole or in part by U.S. Department of Education funds, the Winner School District shall notify parents, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the District will administer any such survey, and shall provide an opportunity for the parent to opt his/her child out of participating. If such survey was not anticipated at the beginning of the year, public notice thereof shall be given sufficiently in advance to provide a meaningful opportunity for parents to opt his/her child out.

The Winner School District shall also notify parents that they have the right to review, upon request, any survey that concerns one or more “protected area”, any instructional materials used in connection with any such survey, and any instructional material thereon which is used as part of the educational curriculum for the student. These rights also apply to the surveying of students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations.

The following specific provisions apply to this policy:

1. Parents have the right to inspect, upon request, a survey created by a third party before the survey is administered or distributed by the Winner School District to students.
2. The administration shall develop and implement appropriate arrangements to protect student privacy in the event any survey contains one or more questions into or about a “protected area”, and shall make appropriate arrangements for any parent to inspect, upon request, any such survey.

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3. Parents shall have the right to inspect, upon request, any instructional material used as part of the educational curriculum for students. Upon such request being made, the administration shall notify the requesting parent within a reasonable time that the requested material may be inspected, together with the time and place such inspection may be conducted.
4. Personal information will not be collected from students for the purpose of marketing or selling, or otherwise providing such information to others for that purpose, without prior public notice sufficiently in advance so that a parent may opt-out of such disclosure. However, under federal and state law, general directory information as defined in the annual FERPA notification is normally subject to release for any lawful purpose, unless a parent has requested that general directory information not be released for his/her student.
5. Prior to collection of personal information for any marketing or similar purpose as described in the preceding paragraph, the Winner School District shall permit a parent, upon request, to inspect any instrument used in the collection of such personal information before the instrument is administered or distributed to a student. Upon such request being made, the administration shall notify the requesting parent within a reasonable time that the instrument may be inspected, together with the time and place such inspection may be conducted.

The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do 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. Examples may include, but shall not be limited to:

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 and secondary schools.
4. Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

II. Medical Examinations or Screenings.

In the event that any medical examination or screening shall be required of students, prior notice thereof shall be given to parents, to include the nature and purpose of the examination or screening, whether it is required by law, and any opt-out provisions that may be allowed by law. The applicable provisions of federal and state law shall control whether a parent may opt-out a student from any examination or screening. Under federal law, a parent may opt-out his/her student from participating in any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the District and scheduled in advance; and 3) not necessary to protect the immediate health and safety of the student or of other students. If a parent opts-out his/her student from such examination or screening, the District may require the parent to provide documentation of such examination or screening by the physician of the parent's choice, at the parent's expense, and the results thereof. PROVIDED, HOWEVER, any physical

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examination or screening that is permitted or required by South Dakota law, including physical examinations or screenings permitted without parental notification, shall not be subject to this provision.

III. Definitions.

For purposes of this Policy, the following definitions apply:

- “Instructional Material” means 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, academic assessments or achievement tests.
- “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.
- “Personal Information” means individually identifiable information, including (1) a student’s or parent’s first and last name; (2) a home or other physical address, including street address and city; (3) a home telephone number; or (4) a social security number.
- “Protected Area” means any one of the following:
 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. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of other individuals with whom the survey 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).