

Adopted: 01-18-2016

Revised: _____

ROCHESTER BEACON ACADEMY- RBA
POLICY No. 707
PROTECTION OF PUPIL RIGHTS AMENDMENT POLICY

I. PURPOSE

The purpose of this policy is to ensure that RBA affords parents of elementary and secondary school students certain rights in compliance with the Protection of Pupil Rights Amendment (PPRA).

II. POLICY STATEMENT

It is the policy of RBA to fully comply with PPRA, and afford Parents of elementary and secondary school students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, certain physical exams, and inspection of certain materials.

III. DEFINITIONS

The following definitions apply to this policy only.

- A. “Applicable program” has the meaning given in federal law at 20 U.S.C. § 1221 (c)(1) and means “any program for which the [Secretary of Education or the Department of Education] has administrative responsibility as provided by law or by delegation of authority pursuant to law.”
- B. “Instructional Material” means 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) that are part of the school curriculum approved by [SCHOOL NAME]. The term does not include academic tests or academic assessments, nor does it include any spontaneous classroom discussion initiated by students or school personnel.
- C. “Local educational agency” has the meaning given in federal law at 20 U.S.C. § 1232h (c)(6)(C) and means an elementary school, secondary school, school district, or

- local board of education that is the recipient of funds under an applicable program, but does not include a postsecondary institution.
- D. “Parent” includes a parent, legal guardian, emancipated minor, or adult student who is 18 years of age or older.
- E. “Personal information” means individually identifiable information including:
1. A student or parent’s first and last name;
 2. A home or other physical address (including street name and the name of the city or town);
 3. A telephone number; or
 4. A social security number
- F. “Protected information survey” means a survey concerning one or more of the following protected areas:
1. political affiliations or beliefs of the student or the student’s parents;
 2. mental or psychological problems of the student or 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 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 for receiving financial assistance under such program).
- G. “Student” includes a minor child, emancipated minor, or an adult student currently enrolled in RBA.

IV. ACTIVITIES REQUIRING PRIOR CONSENT

- A. Prior written consent is required from a Parent before students submit to a required “protected information survey” if the survey is included as part of an “applicable program” funded in whole or in part by the U.S. Department of Education.

V. ACTIVITIES REQUIRING NOTICE AND AN OPPORTUNITY TO OPT-OUT

- A. Parents are required to be notified, and given an opportunity opt-out his or her student of:
1. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This 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.);
 2. Any other protected information survey, not funded in whole or in part by the U.S. Department of Education; and
 3. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law.

VI. ACTIVITIES ALLOWING A RIGHT OF INSPECTION

- A. Upon a written request, a Parent may inspect before administration or use:
1. Protected information surveys of students, and surveys created by a third party including the procedures for granting a parents request;
 2. Instruments used to collect personal information from students for any of the above marketing, sales or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum including the procedures for granting a parents request (in accordance with Curriculum Review policy and procedures).
- B. A Parent's right to inspection is subject to all other procedural requirements of RBA's policies and procedures.

VII. PARENTAL NOTIFICATION

- A. RBA will directly notify Parents of these policies annually at the beginning of the school year, and after any substantive change.

- B. RBA will directly notify Parents of students who are scheduled to participate in the specific activities or surveys listed under Section V of this policy and will provide an opportunity for the parent to opt-out his or her student of participation in the activities or survey. RBA will give this notification to Parents at the beginning of the school year if RBA has identified the specific or approximate dates of the activities or surveys at that time. If surveys or activities listed under Section V of this policy are scheduled after the school year begins, Parents will be provided notification within a reasonable period of time of the planned surveys or activities along with the opportunity to opt-out his or her student of the surveys or activities.

VIII. PROTECTION OF PRIVATE INFORMATION

- A. RBA will keep all personal and survey information private according to its data privacy policies and any other applicable law.

Legal Reference:

20 U. S.C. § 1221

20 U.S.C. § 1232h

Minn. Stat. Ch. 13 (Minnesota Government Data Practices)