STUDENT AND FAMILY PRIVACY RIGHTS

The Yolo County Board of Education and the Yolo County Office of Education believe that personal information concerning County Office students and their families should be kept private in accordance with law.

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale

2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect:
   a. Survey instruments requesting information about their personal beliefs and practices or those of their children
   b. Instructional materials used as part of their children's educational curriculum

4. Whether the district may administer any nonemergency invasive physical examination or screening

5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

(cf. 5020 - Parent Rights and Responsibilities
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.8 - Research)

The Yolo County Superintendent of Schools’ designee shall consult with parents/guardians regarding the development and adoption of this policy.

(cf. 0420 - School Plans/Site Councils)
(cf. 1230 - School-Connected Organizations)

Collection of Personal Information for Marketing Purposes

County Office staff may administer or distribute to students survey instruments that are designed for the purpose of collecting personal information for marketing or sale, provided that the instrument is administered in accordance with law.
Legal Reference:

EDUCATION CODE
49450-49458 Physical examinations
49602 Confidentiality of pupil information
51101 Parents Rights Act of 2002
51513 Personal beliefs
51938 Sexual Health And HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:

WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
USDOE, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/

Adopted: August 25, 2015

YOLO COUNTY OFFICE OF EDUCATION
Woodland, California
STUDENT AND FAMILY PRIVACY RIGHTS

Definition

*Personal information* means individually identifiable information including a student’s or parent/guardian’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, or a social security identification number. (20 USC 1232h)

Surveys Requesting Information about Beliefs and Practices

A student’s parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student’s identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.8 - Research)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Notwithstanding the above requirements, the Yolo County Office of Education may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student’s attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

Exceptions to Collection of Personal Information

Any County Office restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

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 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

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student’s parent/guardian may: (20 USC 1232h; Education Code 51938)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child’s educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a request, the site administrator or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the County Office. (20 USC 1232h)

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

*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 properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)
(cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Yolo County Superintendent of Schools shall notify parents/guardians of: (20 USC 1232h)

1. The County Office’s policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

3. The specific or approximate dates during the school year when the following activities are scheduled:
Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the County Office shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)