

In accordance with the provisions of the Every Student Succeeds Act, the Valley Central School District hereby enacts the following policy:

*I. U.S. Department of Education and Third Party Surveys*

- A. Parents shall have the right, upon request, to inspect U.S. Department of Education and third party surveys before they are distributed and administered by the District to students, and shall also have the right to opt their child out of participation in such surveys.
- B. In the event that a third party survey contains any of the following types of information:
1. political affiliations or beliefs of the student or the student's parent;
  2. mental and psychological problems of the student or the student's family;
  3. sex behavior or attitudes;
  4. illegal, antisocial, self-incriminating, demeaning behavior;
  5. critical appraisals of other individuals with whom 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 the student's parent;
  8. income (other than that required by law to determine eligibility for participation in the program or for receiving financial assistance under such program);

then the District will protect the privacy of the student in the event of administration of such a survey, by allowing parents to inspect the survey prior to administration and by advising the students that their responses should contain no personally identifiable information. The provisions of this paragraph shall not apply to any survey administered to a student in accordance with the Individuals with Disabilities Education Act.

*II. Inspection of Instructional Materials*

Parents shall have the right to inspect, upon request, instructional material used as part of the educational curriculum for students. The request should be made in writing and directed to the Office of the Assistant Superintendent. The response will be provided within a reasonable period of time from the date of receipt of the request. Instructional materials include material provided to a student regardless of format, including printed or representational materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

*III. Opting Out of Certain Activities*

With regard to administration of physical examinations or screening that may be administered to students, parents shall have the opportunity to opt out of any non-emergency, invasive physical examination or screening that is required as a condition of attendance and administered by the school and scheduled by the school in advance and not necessary to protect immediate health and safety of the student, or other students. For these purposes, "invasive physical examination" means any medical examination that involves exposure of private body parts, or any act or such examination that includes incision, insertion or injection into the body, but does not include a hearing, vision or scoliosis screening. Additionally, this paragraph does not

apply to any examination or screening that is permitted or required by New York State Law, including such examinations or screenings permitted without parental notification.

#### IV. *Marketing*

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. 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 such as:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA).

#### V. *Notifications*

The District will provide annual notification to parents that they have the right to “opt out” of third-party surveys as described in paragraph I, or physical examinations or screenings as described in paragraph III, and activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling the information, or otherwise providing that information to others for that purpose.

*Ref:* Protection of Pupil Rights Amendment (PPRA)  
20 U.S.C. §1232(h)  
34 C.F.R. Part 98

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