

Board Policy

Student And Family Privacy Rights

BP 5022

Students

The District must provide an annual notice to parents and guardians of the school's general information policies that includes:

- a. Assurances that the District will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
- b. A description of the types of student records maintained by the District.
- c. A list of the circumstances or conditions under which the District might release student information to outside people or entities.
- d. A statement that, unless the District is providing information for a legitimate educational purpose under the Family Educational Rights and Privacy Act ("FERPA") and the California Education Code or directory information, the District shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.

Students

The Board of Trustees respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive 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
6. Student recognition programs

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other

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physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC § 1232h).

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following upon request, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
 - a. Survey created by a third party
 - b. Instructional materials used as part of their children's educational curriculum
 - c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any nonemergency physical examinations or screenings that the school may administer

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC § 1232h)

Cross References:

BP/AR. 0420 - School Plans/Site Councils
BP/AR 1220 - Citizen Advisory Committee
BP/AR/E 1230 - School-Connected Organizations
BP/AR 1321 - Solicitation of Funds from and by Students
BP/AR 5020 - Parent Rights and Responsibilities
BP 5021 - Noncustodial Parents
BP/AR 5125 - Student Records
BP/AR/E 5125.1 - Release of Directory Information
BP/AR 5126 - Awards for Achievement
BP/E 5145.6 - Parental Notifications
BP/AR 6162.5 - Student Assessment
BP/AR 6162.51 - State Academic Achievement Tests
BP/AR 6162.8 - Research

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Legal References:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49450-49076.7 Privacy of student records; social security numbers

49602-49458 Physical examinations

Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Non-removal of survey questions pertaining to sexual orientation or gender identity

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

(11/02 3/11) 3/18

Replaces: 2/20