

Book	Policy Manual
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Legal	1. 20 U.S.C. 1232h 2. 22 PA Code 12.41 3. Pol. 105.1 4. 22 PA Code 4.4
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Purpose

This policy sets forth guidelines regarding the conduct of surveys and collection and use of information for marketing purposes, consistent with law and regulations.

Definitions

Personal information means individually identifiable information, including a student's or parent's/guardian's **first and last** name; **home or physical** address, **including street name and the name of the city or town**; telephone number; or social security number.[\[1\]](#)

For purposes of this policy, protected information, as addressed by the Protection of Pupil Rights Amendment (PPRA), includes:[\[1\]](#)

1. Political affiliations or beliefs of the student or **student's** parent/guardian.
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 respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or **student's** parent/guardian.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

Authority

Surveys conducted by outside agencies, organizations and individuals shall be approved by the Joint Operating Committee, based on the Director's recommendation, prior to administration to students.

Guidelines

All surveys and instruments used to collect information from students shall relate to the school's educational objectives.[\[2\]](#)

U.S. Department of Education Funded Surveys

No student shall be required, **as part of any program funded in whole or in part by the U.S. Department of Education**, to submit to a survey, analysis or evaluation that reveals **protected** information without written parental consent for students under eighteen (18) years of age or written consent of emancipated students or those over eighteen (18) years of age.[\[1\]](#)

All instructional materials, including teachers' manuals, films, tapes or other supplementary material, that will be used in connection with any survey, analysis or evaluation as part of any program funded in whole or in part by the U.S. Department of Education shall be **made** available for inspection by the parent(s)/guardian(s) of the student.[\[1\]](#)[\[3\]](#)

Surveys Funded by Other Sources

Parents/Guardians shall be informed of the nature and scope of individual surveys and their relationship to the educational program of their child and the parent's/guardian's right to inspect, upon request, a survey created by a third party prior to administration or distribution to a student. Such requests shall be in writing and submitted to the Director.[\[2\]](#)[\[1\]](#)

Parents/Guardians shall be informed of their right to have their child excluded from any research studies or surveys conducted by entities other than a school entity without prior written consent.[\[4\]](#)[\[2\]](#)[\[1\]](#)

Collection of Information for Marketing, Sales or Other Distribution Purposes

The school shall notify parents/guardians of any activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose.[\[1\]](#)

The parent/guardian has the right to inspect the **instrument used in collection of personal information for the purpose of marketing or selling that information** and opt the student out of participating in any activity that results in the collection, disclosure or use of personal information for purposes of marketing or selling that information.[\[1\]](#)

This **provision** 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 the following: recruiters, book clubs, curriculum and instructional materials used by**

schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.[\[1\]](#)

Privacy

The school shall implement procedures to protect student identity and privacy when a survey containing **one or more of the items** listed **under protected information is administered or distributed to a student and in the event of the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.**[\[1\]](#)

Student and Parent/Guardian Rights

Under federal law, the rights provided to parents/guardians under this policy transfer to the student when the student turns eighteen (18) years old or is an emancipated minor. These rights do not transfer under state law; therefore, parents/guardians retain their rights to receive notice and to inspect.[\[4\]](#)[\[2\]](#)[\[1\]](#)

Delegation of Responsibility

The Director or designee shall notify parents/guardians **and students of:**[\[1\]](#)

1. This policy and its availability.
2. **The specific or approximate dates during the school year when activities described above are scheduled, or expected to be scheduled.**
3. **How to opt their child out of participation in activities as provided in this policy.**
4. **How to request access to any survey or other material described in this policy.**

This notification shall be given at least annually, at the beginning of each school year, and within a reasonable time after any substantive changes regarding the contents of this policy.

The Director or designee shall establish administrative regulations for protecting student identity and privacy in the administration of protected information surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.