



SECTION IV: STUDENTS

POLICY 4240

PROTECTION OF PUPIL RIGHTS AMENDMENT

Definitions

For purposes of this Policy, the following definitions apply:

1. “Instructional material” means instructional 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). The term does not include academic tests or academic assessments.
2. “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 hearing, vision, or scoliosis screening.
3. “Parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). All rights provided to parents under this Policy transfer to the student when the student turns 18 years old or is an emancipated minor at any age.
4. “Personal information” means individually identifiable information including (i) a student or parent’s first and last name; (ii) a home or other physical address (including street name and the name of the city or town); (iii) a telephone number; or (iv) a Social Security identification number.
5. “Survey” includes an evaluation.

Inspection of Instructional Materials

All instructional materials, including teacher’s manuals, films, tapes, or other supplementary instructional material that will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents of students in the School District. However, teacher lesson plans and tests are confidential records under the Oklahoma Open Records Act. After request by a parent, review of instructional materials shall be at a time mutually convenient to the teacher involved and the parent. Any complaint by a parent regarding the parent’s inability to inspect any instructional material shall initially be addressed to the principal of the school where the parent’s child attends. If the parent is dissatisfied with the principal’s decision, then the parent may request review by the Superintendent or designee, who shall have final authority over the matter.

Establishing a curriculum and determining to include or remove particular materials within the curriculum are the legal responsibilities of the Board of Education, subject to statutory and State Board of Education guidelines. Nothing in this Policy is intended to grant or require prior parental approval or control of materials or parental control, approval or review of teaching techniques or methods.



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Surveys

No student shall be required to submit to a survey, analysis, written examination or evaluation that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's family;
2. Religious practices, affiliations, or beliefs of the student or the student's parent;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Mental or psychological problems of the student or the student's family;
6. Critical appraisals of other individuals with whom the student has a close family relationship;
7. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; and
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the parent's prior consent.

Parents may inspect, upon request, a survey created by a third party before the survey is administered or distributed to students. Review of such surveys shall be at a time mutually convenient to the principal involved and the parent. Any complaint by a parent regarding the parent's inability to inspect any such survey shall be addressed to the Superintendent or designee, who shall have final authority over the matter.

The School District will take appropriate steps in compliance with the Family Educational Rights and Privacy Act to protect student privacy in the event of the administration or distribution of a student survey containing one or more of the items mentioned above.

Psychiatric or Psychological Examinations

Without the prior written consent of the parent or guardian, no student who is an un-emancipated minor shall be required, as part of any applicable program, to submit to psychiatric or psychological examination, testing or treatment.

Notification and Opt-Out

The School District will directly notify parents, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing that



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information to others for that purpose. These activities do not include information 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, military recruitment;
 - b. Book clubs, magazines, and programs providing access to low-cost literary products;
 - c. Curriculum and instructional materials used by elementary and secondary schools;
 - d. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic clinical, aptitude, or achievement information about students and the subsequent analysis and public release of the aggregate data from such tests and assessments;
 - e. The sale by students of products or services to raise funds for school-related or education-related activities; and
 - f. Student recognition programs.
2. The administration of any survey containing one or more items described above in the Surveys section of this Policy; and
 3. Any non-emergency, invasive physical examination or screening that is (i) required as a condition of attendance; (ii) administered by and scheduled by the school in advance; and (iii) not necessary to protect the immediate health and safety of the student or other students. This provision does not apply to any physical examination or screening that is permitted or required by state law, including physical examinations or screening that is permitted without parental notification.

Inspection of Data Collection Instruments

The School District will take appropriate steps in compliance with the Family Educational Rights and Privacy Act to protect student privacy in the event of such collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing that information to others for that purpose. Parents and eligible students may inspect, upon request, any instrument used in the collection of such information before the instrument is administered or distributed to students. Review of such instruments shall be at a time mutually convenient to the principal involved and the parent. Any complaint by a parent regarding the parent's inability to inspect any such survey shall be addressed to the Superintendent or designee, who shall have final authority over the matter.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*