

**COMMON POLICY FOR FRANKLIN CENTRAL SUPERVISORY UNION
ST. ALBANS TOWN EDUCATIONAL CENTER,
ST. ALBANS CITY SCHOOL, FAIRFIELD CENTER SCHOOL,
BELLOWS FREE ACADEMY UNION HIGH SCHOOL DISTRICT #48,
AND NORTHWEST TECHNICAL CENTER**

**CODE: F27
(MANDATORY)¹**

**PROTECTION OF PUPIL RIGHTS AMENDMENT NOTICE AND
CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES**

It is the intent of the Franklin Central Supervisory Union and its member school districts to comply with the provisions of the federal Protection of Pupil Rights Amendment (PPRA), governing the administration of certain student surveys, analyses, or evaluations that are funded in whole or in part by the U.S. Department of Education.

Definitions:

As used in the policy, the following terms shall mean:

“Invasive physical examination”: A 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.

“Personal information”: Individually identifiable information including a student’s or parent’s name, address, telephone number, or social security number.

“Instructional material”: Instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.

“Parent”: A natural or adoptive parent, 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 a child).

Student Rights

The rights provided to parents under the Pupil Rights Amendment and this policy transfer to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable Vermont law.

Policy

1. No student shall be required, without prior written parental consent, to take part in a survey, analysis, or evaluation funded by the U.S. Department of Education that reveals information concerning:
 - a. political affiliations or beliefs of the student or student’s parent;
 - b. mental or psychological problems of the student or student’s family;
 - c. sexual behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of others with whom respondents have close family relationship;

- f. legally recognized privileged relationships, such as with lawyers, doctors, or members of the clergy;
 - g. income (other than that required by law to determine eligibility for participation in a program for receiving financial assistance under such program); or,
 - h. religious practices, affiliations, or beliefs of the student or parents.
2. Parents shall have the right to inspect any survey created by a third party before the survey is administered or distributed to a student. Requests for inspection shall be in writing, and shall be made in sufficient time to allow a response at least two weeks in advance of any survey to be given.
 3. Parents shall be notified at least annually, at the beginning of the school year, or when enrolling students for the first time in district schools, of this policy. The notification shall explain that parents/guardians or students eighteen (18) years or older have the right to “opt out” of the following activities:
 - a. The collection, disclosure, and use of personal information gathered from students for the purpose of marketing or selling that information. 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 services for or to students.
 - b. The administration of any survey not funded in whole or part by the U.S. Department of Education that includes the eight (8) subject areas listed in paragraph 1 above; or,
 - c. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of a student or other students and not otherwise permitted or required by state law.
 4. In addition, parents shall be notified through U.S. Mail, email, or other direct means, at least annually, at the start of each school year of the specific or approximate dates of any activities described in subparagraphs A-C of paragraph 3 above, and shall be provided an opportunity to opt out of participation in those activities.
 5. Parents shall have the right to inspect, upon request, any instructional material used as part of the educational curriculum.
 6. The Superintendent/designee shall develop administrative procedures as required to ensure the implementation of this policy.

Legal Reference: *Protection of Pupil Rights Act, 20 U.S.C. §1232h; Vermont State Board of Education Manual of Rules and Practices, Rule 2120.8.12(f)*

| | Fairfield | Town | City | BFA | FCSU |
|---------------|-----------|----------|----------|----------|----------|
| 1st Reading | 06/21/10 | 06/09/10 | 06/10/10 | 06/02/10 | 03/16/11 |
| 2nd Reading | 08/16/10 | 08/11/10 | 08/12/10 | 08/03/10 | |
| Date Warned: | 07/19/10 | 07/19/10 | 07/19/10 | 07/19/10 | 12/06/10 |
| Date Adopted: | 08/16/10 | 08/11/10 | 08/12/10 | 08/03/10 | 03/16/11 |

Date

Dear Parents:

The U.S. Department of Education has mandated that schools take parental consent one step further, beyond permission for customary activities that require permission slips. This permission focuses on sensitive issues.

The Protection of Pupil Rights Amendment (PPRA) requires schools to notify parents and get permission from parents to allow their children to participate in certain school activities. This means parents can also opt their children out of participation in certain school activities. These activities include student surveys, analyses, or evaluation that concerns one or more of the following eight (8) areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationship;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure, or use of student information for marketing purposes, and certain physical exams and screenings.

Schools will provide parents with:

1. A schedule of activities requiring parental notice and consent/opt-out for each school year;
2. Advance notice of surveys, etc., with opportunities to review the materials and to opt out.

This does not apply to such areas as school climate, learning opportunities, student assets, and other surveys that are not of a sensitive nature.

Please contact us if you have questions about the Protection of Pupil Rights Amendment or the procedures we have described here.

Sincerely,