

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Student Surveys, Analysis and/or Evaluations  
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2415.05 STUDENT SURVEYS, ANALYSIS AND/OR EVALUATIONS

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education.

Consent

PPRA requires written consent from parents/legal guardians of unemancipated minor students and students who are eighteen years old or emancipated minor students before minor students are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following ~~nine~~ areas referred to as "protected information surveys":

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 others with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or parents/guardians;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
9. Social security number.

This consent requirement also applies to the collection, disclosure or use of student information for marketing purposes, referred to as "marketing surveys", and for certain physical examinations and screenings.

"Opt a Student Out" Notice

The parents/guardians of unemancipated minor students and students who are eighteen years old or emancipated minor ~~and eligible~~ students will be provided an opportunity to opt a student out of participating in:

1. The collection, disclosure, or use of personal information obtained from students for marketing, to sell, or otherwise distribute information to others;

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2. The administration of any other "protected information survey" not funded in whole or in part by the United States Department of Education; and

~~3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, scoliosis screenings, or any physical examination or screening permitted or required under State law.  
Advanced notice will be provided to allow for the opportunity for parents/guardians to opt out.~~

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### Inspection

The parents/~~guardians of unemancipated minor students and students who are eighteen years old or emancipated minor~~ and eligible students, upon request and before administration or use, have the right to inspect:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

The Superintendent or designee shall be responsible for obtaining the consent, annual direct notification to parents/~~guardians~~ and eligible students at the start of each school year and after any substantive changes of the "opt a student out" rights and the inspection rights provisions of PPRA and this Policy. The "opt a student out" notice shall include any specific or approximate dates of the activities eligible for a student to "opt out."

### PPRA Consent/Opt Out Violations

Parents/~~guardians~~ or students who believe their rights under PPRA may have been violated may file a complaint with United States Department of Education.

The Protection of Pupil Rights Amendment (PPRA)  
(20 U.S.C. §1232h; 34 CFR Part 98)

~~Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act. No Child Left Behind Act of 2001, Title X, Part F, §1061~~

~~Initial Adoption: January 28, 2019~~

First Reading: ~~December 17, 2018~~ August 16, 2021

Second Reading: ~~January 28, 2019~~ September 20, 2021

~~Initial Adoption: January 28, 2019~~ Latest Adoption: