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The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

### **Definitions**

1. "Survey," as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act;
  
2. "Covered survey items" means one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
  
3. "Covered activities" requiring notification under NCLBA means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
  
4. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control;
  
5. "Instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual 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;
  
6. "Personal information" means individually identifiable information including a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;

7. "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. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

### **Requests to Inspect Materials**

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a school to a student as follows:

1. Requests may be directed to the school office by phone or in person;
2. Requests must be received by the district no later than five working days following receipt of notification by the district of its intent to administer or distribute such items;
3. Materials may be reviewed at the school office or mailed by the district;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

### **Requests to Excuse Student from Covered Activities**

A parent may request that his/her student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any survey containing one or more of the items included in the definition of "covered survey items" above;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the building principal in writing;
2. Received by the district no later than five working days following receipt of notification by the district of its intent to administer or distribute such items.

### **Student Privacy**

The district recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission.

### **Notification**

Each building principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the school year in the Student Handbook or at other times during the school year when enrolling students for the first time in school.
2. Include the specific or approximate dates during the school year when covered activities are scheduled or expected to be scheduled. Currently the district conducts a Oregon Healthy Teens (OHT) Survey in cooperation with the Oregon Department of Education. The OHT survey typically occurs in the spring.

### **Exceptions**

Provided they do not contain one or more of the "covered survey items" described above, the following activities are not subject to the restrictions set forth in this administrative regulation.

1. Students at district secondary schools may volunteer to participate in a survey conducted by a school's journalism class. The school's journalism advisor, with Principal's approval, shall be solely responsible for the content and use of such a survey;
2. School-sanctioned student groups may conduct voluntary surveys subject to prior approval by the group's advisor and the principal. The principal shall be solely responsible for the content and use of such a survey;
3. A principal may conduct surveys of the students and/or parents/guardians of his/her school subject to prior approval by the superintendent;
4. The superintendent may conduct surveys of students and/or parents/guardians and is responsible to report such surveys to the Board.

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