

Policy 5022: Student And Family Privacy Rights

Status: ADOPTED

Original Adopted Date: 11/01/2002 | Last Revised Date: 03/01/2018 | Last Reviewed Date: 03/01/2018

CSBA NOTE: 20 USC 1232h, the Protection of Pupil Rights Act (PPRA), mandates that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for additional requirements pertaining to these topics.

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

CSBA NOTE: 20 USC 1232h mandates that districts adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by districts that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by districts that choose to authorize the collection of personal information purposes.

OPTION 1:

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

OPTION 1 ENDS HERE

OPTION 2:

CSBA NOTE: Although 20 USC 1232h authorizes the collection, disclosure, or use of students' personal information, including social security numbers, for the purpose of marketing or selling, Education Code 49076.7 prohibits the collection of social security numbers or the last four digits of social security numbers unless otherwise required to do so by state or federal law. The collection of personal information for marketing purposes is not required by law, and thus districts should not collect social security numbers or the last four digits of social security numbers for marketing purposes.

In addition, pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are prohibited from collecting information or documents regarding citizenship or immigration status of students or their families.

In addition, the Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security

numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

OPTION 2 ENDS HERE

CSBA NOTE: The remainder of this policy is for use by all districts.

20 USC 1232h requires that the district's policy regarding student privacy be developed in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph may be modified to reflect district practice.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
 - c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any nonemergency physical examinations or screenings that the school may administer

CSBA NOTE: Item #3c is for use only by districts that select Option 2 above.

CSBA NOTE: 20 USC 1232h mandates that the district's policy provide for reasonable notice to parents/guardians of the adoption or continued use of this policy. See the accompanying administrative regulation for additional requirements pertaining to the timing and content of such notice.

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 49076.7	Privacy of student records; social security numbers
Ed. Code 49450-49458	Physical examinations of students
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51513	Test, questionnaire, survey, or examination concerning personal beliefs
Ed. Code 51514	Nonremoval of survey questions pertaining to sexual orientation or gender identity
Ed. Code 51938	Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

Federal References

20 USC 1232g
 20 USC 1232h

Description

Family Educational Rights and Privacy Act (FERPA) of 1974
 Privacy rights

Management Resources References

Website
 Website
 Website
 Website

Description

[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Education, Family Policy Compliance Office](#)
[California Department of Education](#)
[CSBA](#)

Cross References

1113
 1113
 1113-E(1)
 1114
 1114
 1321
 1321
 3290
 3555
 3555-E(1)
 4135
 4235
 4335
 5020
 5020
 5021
 5125
 5125
 5125.1
 5125.1
 5125.1-E(1)
 5126
 5126
 5131.6
 5131.6
 5131.61
 5131.62
 5131.62
 5141.21
 5141.21
 5141.22

Description

[District And School Websites](#)
[District And School Websites](#)
[District And School Websites](#)
[District-Sponsored Social Media](#)
[District-Sponsored Social Media](#)
[Solicitation Of Funds From And By Students](#)
[Solicitation Of Funds From And By Students](#)
[Gifts, Grants And Bequests](#)
[Nutrition Program Compliance](#)
[Nutrition Program Compliance](#)
[Soliciting And Selling](#)
[Soliciting And Selling](#)
[Soliciting And Selling](#)
[Parent Rights And Responsibilities](#)
[Parent Rights And Responsibilities](#)
[Noncustodial Parents](#)
[Student Records](#)
[Student Records](#)
[Release Of Directory Information](#)
[Release Of Directory Information](#)
[Release Of Directory Information](#)
[Awards For Achievement](#)
[Awards For Achievement](#)
[Alcohol And Other Drugs](#)
[Alcohol And Other Drugs](#)
[Drug Testing](#)
[Tobacco](#)
[Tobacco](#)
[Administering Medication And Monitoring Health Conditions](#)
[Administering Medication And Monitoring Health Conditions](#)
[Infectious Diseases](#)

Cross References

5141.22

5141.3

5141.3

5141.32

5141.6

5141.6

5142.1

5145.6

5145.6-E(1)

5148

5148

6142.1

6142.1

6142.8

6142.8

6143

6143

6144

6162.8

6162.8

6164.2

6164.5

6164.5

Description[Infectious Diseases](#)[Health Examinations](#)[Health Examinations](#)[Health Screening For School Entry](#)[School Health Services](#)[School Health Services](#)[Identification And Reporting Of Missing Children](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Child Care And Development](#)[Child Care And Development](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Comprehensive Health Education](#)[Comprehensive Health Education](#)[Courses Of Study](#)[Courses Of Study](#)[Controversial Issues](#)[Research](#)[Research](#)[Guidance/Counseling Services](#)[Student Success Teams](#)[Student Success Teams](#)