

The Protection of Pupil Rights Amendment (PPRA) affords certain rights to parents and students eighteen (18) years of age or older (“eligible students”) with regard to the surveying of students, the collection and use of information from students for marketing purposes, and certain non-emergency medical examinations. In addition, Idaho law affords parents/guardians the right to preview certain non-curricular related student surveys, well-being questionnaires, or health screening forms.

Surveys requesting personal information, as defined herein, from students, as well as any other well-being questionnaire, health screening, or other instrument used to collect personal information from students, must relate to the district’s educational objectives as set forth in board policy.

In accordance with Idaho law, any non-curricular related survey, well-being questionnaire, or health screening, as defined herein, must be approved by the superintendent or designee before it is administered to any student by a district employee.

DEFINITIONS

“Eligible student” means a student over the age of eighteen (18).

“Instructional material” means material provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). This term does not include academic tests or academic assessments.

“Invasive physical examination” is defined as 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.

“Non-curricular related survey, well-being questionnaire, or health screening” means surveys or other assessments other than those conducted as part of a student’s course of study. The term does not include assessments conducted for purposes of eligibility under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act, nor does it include assessments conducted under the district’s suicide prevention policy and procedures (Policy 566 and 566P).

“Personal information” means

- (a) individually identifiable information, including a student’s or parent’s first and last name; a home or other physical address (including a street name and the name of the city or town); a telephone number; or a social security number;

- (b) information regarding an individual student's (i) sexuality; (ii) sex; (iii) religion; (iv) personal political beliefs; (v) mental or psychological problems; (vi) personal family information; or (vii) individual or family financial information.

HEALTH SERVICES

As part of its total educational program, the district may offer health services to students. At the start of each school year, the district will notify parents/guardians of the health services offered or made available through the district or private organizations that partner with the district to provide health related services on school property or as part of a school program. Parents/guardians will be notified in writing of any new health services that become available after the annual notice is sent.

Types of health services offered by the district may include, but are not limited to:

1. Vision and hearing screening.
2. Scoliosis screening.
3. Immunization as provided by the Idaho Department of Health and Welfare.
4. Medication administration.
5. First aid and emergency care.
6. Appropriate management of student health conditions with parental consent.

Parents/guardians will receive written notice of any screening result which indicates a condition that may interfere with a student's progress. Parent/guardian consent to any health or wellness service does not waive the parents'/guardians' right to access their children's educational or associated health records or to be notified about their children's health status or monitoring.

Health screenings or other actions taken pursuant to the district's suicide prevention policy and procedures (Policy 566) are outside the scope of this policy and do not require prior parental consent.

All district employees are prohibited by Idaho law from providing any of the following services to any person while acting within the scope of their employment:

1. Providing or performing an abortion;
2. Counseling in favor of abortion;
3. Referring for abortion; or
4. Dispensing a drug classified as emergency contraception by the Food and Drug Administration, except in the case of rape.

ANNUAL NOTIFICATION REQUIREMENTS AND PARENTAL CONSENT

The PPRA requires that parents or eligible students be directly notified at least annually at the beginning of the school year, by direct mailing or e-mail, of their right to consent or opt-out of

participation in certain school activities and the specific or approximate dates of each activity. For surveys and activities scheduled after the school year starts, parents will be provided with reasonable notification of the planned activities and surveys listed below and an opportunity to opt their child out of such activities and surveys.

Prior written parental consent will be obtained before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning any of the following eight protected areas:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents will receive notice of specific or approximate dates of and opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam, or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

EXCEPTION FOR DEVELOPMENT, EVALUATION, OR PROVISION OF EDUCATIONAL SERVICES

The district is not prohibited under either federal or state law from collecting, disclosing, or using personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. This includes the following:

1. Book clubs, magazines, and programs providing access to low-cost literary products;
2. College or other post-secondary education recruitment or military recruitment;
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 statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of aggregate data from such tests and assessments;
5. The sale by students of products to raise funds for school-related or education-related activities; and
6. Student recognition programs.

RIGHT TO INSPECT

Upon request, parents or eligible students have the right to inspect, prior to any administration or use, protected information surveys of students; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; any instructional materials used in connection with any survey that concerns one or more of the protected areas; and any instructional material used as part of the educational curriculum for the district.

In the case of surveys, questionnaires, or screenings requesting personal information as defined in section (b) above, the survey, questionnaire, or screening will be provided to the student's parents/guardians and the written permission of parents/guardians shall be obtained before administering the survey, questionnaire, or screening to the student. The employee overseeing the survey, questionnaire, or screening is responsible for maintaining documentation that all required parental and administrative permission has been given.

DEVELOPMENT OF POLICIES

The district will develop and adopt policies, in consultation with parents, regarding the rights set forth in the PPRA, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or distribution purposes. The superintendent will appoint a committee, the membership of which will include parents, school personnel, and community social service providers. The committee shall follow the provisions set forth in the PPRA and Idaho law and propose a draft policy to the board of trustees for its review and approval.



LEGAL REFERENCE:

Idaho Code Sections

18-8701, et seq. – No Public Funds For Abortion

33-6001 – Parental Rights

IDAPA 08.02.03.160 – Safe Environment and Discipline

20 U.S.C. §1232h – Protection of Pupil Rights Amendment (PPRA)

34 CFR §98.3

CROSS-REFERENCE:

Student Suicide Prevention – 566

Parental Rights in Education – 639

Parental Rights in Education Procedures – 639P

Student Records – 681

Protection of Student Data – 681.50

ADOPTED: January 22, 2024