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***Parent and Student Rights for Student Participation in Surveys, Marketing/Commercial Activity, Inspection of Instructional Materials, and Certain Physical Examinations***

The Board of Education recognizes its responsibility under the federal Protection of Pupil Privacy Rights Amendment (PPRA) to enact policies that protect student privacy in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

For the purposes of this policy, “parent/guardian” includes a legal guardian or 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 the child). Prior written parent/guardian consent for surveys and the right to inspect under this policy transfers to students once they turn 18 years old or are emancipated.

***Surveys***

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, surveys which gather any of the following information are subject to certain parent/guardian notification and consent requirements:

1. political affiliations or beliefs or the student of the student’s parent/guardian;
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 of the student’s parent/guardian; 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).

In the event that the district plans to survey students to gather information included in the list above, regardless of the funding source or whether it is voluntary or mandatory, the district will obtain written consent from the parent/guardian in advance of administering the survey (*i.e.*, “opt in”).

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The District will notify parents/guardians whenever any survey that gathers the above information is administered. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation. In addition, the district will notify parents/guardians that they may inspect any survey created by a third party before the survey is administered or distributed to students (except surveys administered to a student in accordance with the Individuals with Disabilities Education Act).

All requests to inspect third party surveys must be made to the Building Principal within five (5) days after this notice was sent.

The district will limit access to information collected by any survey that contains the items listed above to those school officials who have a legitimate educational interest. The terms "school official" and "legitimate educational interest" are defined in district policy 5130, Access to Student Records.

### ***Marketing***

Under state Education Law § 2-d and its implementing regulations (8 NYCRR Part 121), the district is prohibited from disclosing or using "personally identifiable information" for marketing or commercial purposes, or selling that information, or providing it to others for that purpose (see district policies 5130 and 6168, and their accompanying administrative regulations, for more information).

However, this does not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:

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 schools and secondary schools.
4. Tests and assessments used by elementary schools and secondary schools 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 educationrelated activities.
6. Student recognition programs.

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All disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), Protection of Pupil Rights Amendment (PPRA), the National School Lunch Act, Children’s Online Privacy Protection Act (COPPA), and NY Education Law § 2-d. [For guidance regarding the disclosure of student information, see policies 5130, Access to Student Records, and 6168, Information and Data Privacy, Security, Breach and Notification].

### ***Inspection of Instructional Material***

Parents/guardians have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content that is 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). It does not include tests or academic assessments.” The right to inspect instructional materials transfers to students once they turn 18 years old or are emancipated.

A parent/guardian (or student who is at least 18 years old or is emancipated) who wishes to inspect and review such instructional material must submit a request in writing to the Building Principal. Upon receipt of such request, the district will provide access to such material within 30 calendar days after the request has been received.

### ***Invasive Physical Examinations***

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, which are not necessary to protect the immediate health or safety of the student or other students, a student’s parent/guardian will be notified and given an opportunity to opt their child out of the exam.

“Invasive physical examination” is defined in federal law 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. Hearing, vision and scoliosis screenings are not included in this definition and are not subject to prior notification, nor are any physical examinations that are permitted or required by state law (*i.e.*, the administration of epi-pens without consent), including those which are permitted without parent/guardian notification.

### ***Notification***

The district will notify parents/guardians and students who are at least 18 years old or who are emancipated, at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools, of their rights under this policy and the specific or approximate dates that the activities described in this policy are scheduled or expected to be scheduled. The

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school district will also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref:        5130 Access to Student Records  
                      5131 Code of Conduct  
  
                      6168 Information and Data Privacy, Security, Breach and Notification  
                      [ ] Student Health Services

Ref:     Ed. Law §§ 2-d, 903  
              8 NYCRR § 136.3(b); Part 121  
              Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR part 99  
              20 USC § 1232h (Protection of Pupil Rights); 34 CFR part 98

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