

3 Great Falls School District

4
5 **INSTRUCTION**

2131

6
7 Student and Family Privacy Rights

8 All fundamental parental rights are exclusively reserved to the parent of a child without
9 obstruction or interference by a government entity as consistently recognized in state and federal
10 courts and as required by state and federal law and District policy.

11 Surveys - General

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13 All surveys requesting personal information from students, as well as any other instrument used
14 to collect personal information from students, must advance or relate to the District's educational
15 objectives as identified in Board Policy. This applies to all surveys, regardless of whether the
16 student answering the questions can be identified and regardless of who created the survey.

17
18 Surveys Created by a Third Party

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20 Before the District administers or distributes a survey created by a third party to a student, the
21 student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time
22 of their request.

23
24 This section applies to every survey: (1) that is created by a person or entity other than a District
25 official, staff member, or student, (2) regardless of whether the student answering the questions
26 can be identified, and (3) regardless of the subject matter of the questions.

27
28 Surveys Requesting Personal Information

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30 School officials and staff members shall not request, nor disclose, the identity of any student who
31 completes ANY survey containing one (1) or more of the following items:

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- 33 1. Political affiliations or beliefs of the student or the student's parent/guardian;
 - 34 2. Mental or psychological problems of the student or the student's family;
 - 35 3. Behavior or attitudes about sex;
 - 36 4. Illegal, antisocial, self-incriminating, or demeaning behavior;
 - 37 5. Critical appraisals of other individuals with whom students have close family
38 relationships;
 - 39 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
40 physicians, and ministers;
 - 41 7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
 - 42 8. Income (other than that required by law to determine eligibility for participation in a
43 program or for receiving financial assistance under such program).

44
45 The student's parent(s)/guardian(s) may:

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- 1 1. Inspect the survey within a reasonable time of the request; and/or
- 2 2. Refuse to allow their child to participate in any survey requesting personal information.
- 3 The school shall not penalize any student whose parent(s)/guardian(s) exercise this
- 4 option.

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6 No student in the District shall be required, as part of any applicable program, to submit to any
7 survey, analysis, or evaluation that includes the above-noted information without the prior
8 consent of the student (if the student is an adult or emancipated minor), or in the case of an
9 unemancipated minor, without the prior written consent of the parent. This provision specifically
10 documents the arrangements taken to protect student privacy in accordance with 20 USC §
11 1232h(c)(1)(a)(b).

12 13 Instructional Material

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15 A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any
16 instructional material used as part of their child's educational curriculum.

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18 The term "instructional material," for purposes of this policy, means instructional content that is
19 provided to a student, regardless of its format, printed or representational materials, audio-visual
20 materials, and materials in electronic or digital formats (such as materials accessible through the
21 Internet). The term does not include academic tests or academic assessments.

22 23 Collection of Personal Information From Students for Marketing Prohibited

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25 The term "personal information," for purposes of this section only, means individually
26 identifiable information including: (1) a student's or parent's first and last name, (2) a home or
27 other physical address (including street name and the name of the city or town), (3) telephone
28 number, or (4) a Social Security identification number.

29
30 The District will not collect, disclose, or use student personal information for the purpose of
31 marketing or selling that information or otherwise providing that information to others for that
32 purpose.

33
34 The District, however, is not prohibited from collecting, disclosing, or using personal
35 information collected from students for the exclusive purpose of developing, evaluating, or
36 providing educational products or services for, or to, students or educational institutions such as
37 the following:

- 38
39 1. College or other post-secondary education recruitment or military recruitment;
- 40 2. Book clubs, magazines, and programs providing access to low-cost literary products;
- 41 3. Curriculum and instructional materials used by elementary schools and secondary
42 schools;
- 43 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or
44 achievement information about students (or to generate other statistically useful data for
45 the purpose of securing such tests and assessments) and the subsequent analysis and
46 public release of the aggregate data from such tests and assessments;

- 1 5. The sale by students of products or services to raise funds for school-related or education-
2 related activities;
- 3 6. Student recognition programs.

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5 Notification of Rights and Procedures

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7 This policy shall be posted on the District’s website and provided in a manner specified in
8 accordance with law and policy. The Superintendent or designee shall notify students’
9 parents/guardians of:

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11 1. This policy as well as its availability from the administration office upon request;
- 12 2. How to opt their child out of participation in activities as provided in this policy;
- 13 3. The approximate dates during the school year when a survey requesting personal
14 information, as described above, is scheduled or expected to be scheduled;
- 15 4. How to request access to any survey or other material described in this policy.

16
17 This notification shall be given parents/guardians at least annually at the beginning of the school
18 year and within a reasonable period after any substantive change in this policy.

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20 The rights provided to parents/guardians in this policy transfer to the student when the student
21 turns eighteen (18) years of age or is an emancipated minor.

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23 Cross References:

24 Policy 2132	Research Studies
25 Policy 2311	Instructional Materials
26 Policy 3200	Student Rights and Responsibilities
27 Policy 3410	Student Health/Physical Screenings/Examinations

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29 Legal References:

33 20 U.S.C. 1232h	Protection of Pupil Rights
34 Section 40-6-701, MCA	Fundamental Parental Rights
35 Chapter 676 (2023)	Fundamental Parental Rights

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37 Policy History:

38 Adopted on:	June 8, 2015
39 Revised on:	August 21, 2023