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MEMORANDUM

TO: District School Superintendents

FROM: Betty Coxe
Deputy Commissioner Educational Programs
Kathy Mizereck
Deputy Chancellor for Student Achievement and Articulation

DATE: October 23, 2002

**SUBJECT: RECENT CHANGES AFFECTING THE FAMILY
EDUCATIONAL RIGHTS AND PRIVACY ACT AND THE
PROTECTION OF PUPIL RIGHTS AMENDMENT**

This memorandum provides a general explanation of the recent changes to the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) made by Congress in the No Child Left Behind Act of 2001 (NCLB).

Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g and 34 CFR Part 99) is a federal law with implementing regulations that secures the confidentiality of student education records. FERPA gives parents assured rights with respect to their children's education records. These rights are reassigned to the student when he or she reaches the age of 18 or attends a school beyond the high school level. The recent changes to FERPA consist of two major components: the access to student records and student recruiting information by armed forces recruiters and the transfer of school disciplinary records. In order to remain in compliance with NCLB, school districts should continue to review and update current policies to be consistent with the information below.

- Student Recruiting Information—Consistent with the requirements of FERPA and Section 228.093(d)(13), Florida Statutes, schools are allowed to disclose directory information from the educational record without prior consent. However, before making any such disclosure, public notice must be given relating this intent and the type of information to be released, and the district must have a written policy in place establishing such intentions.

Section 9528 of the NCLB Act requires local education agencies (LEAs) to provide military recruiters with the name, address, and telephone listing of secondary students (appendix A). School districts that are currently releasing directory information to military recruiters should continue to do so. Individual districts who

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are not supplying this information to military recruiters must establish policies and begin this procedure. The established policies must give parents the option to request that the information not be released without prior written consent, and the LEA or private school shall comply with any request. The United States Department of Education has developed a sample notice to parents for distribution to school officials regarding release of student information to military recruiters (appendix B).

Transfer of School Discipline Records—FERPA currently allows schools to transfer all educational records, including disciplinary records, for a student who is transferring to another school. The new specification in NCLB requires states that obtain funds under the Elementary and Secondary Education Act to provide assurance within two years to the United States Secretary of Education that there is “a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.” Additional information regarding timelines will be provided as state policy is developed.

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. Section 1232h; 34 CFR Part 98) is a federal law that affords definite rights to parents of minor students in relation to surveys that ask questions of a personal nature. NCLB includes a significant amendment to PPRA that gives parents more rights relating to the surveying of minor students, the collection of information from students for marketing purposes, and the administration of certain non-emergency medical examinations.

- Student Surveys/Information Collected for Marketing Purposes—Briefly, PPRA as amended by NCLB requires LEAs to notify parents and/or obtain parental consent prior to the administration of a student survey that solicits information from one of eight areas. In addition, an eighth category of information was added to the law. However, the parental notification/consent requirements are different depending on the funding source of the survey. Specifically,
 - surveys that are part of an “applicable program” (funded in whole or in part by any program administered by the United States Department of Education [USDOE]) require LEAs to obtain prior written consent of the parent
 - surveys that are created by a third party (funded by sources other than USDOE programs) require LEAs to adopt specific policies (These surveys do not require prior written parental consent but instead require districts to offer parents an opportunity to opt the student out of participation.)
 - LEAs are required to make the survey instrument available for inspection by parents regardless of funding source
 - surveys that involve 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) require annual parental notification and the opportunity for the parent to opt out of participation regardless of the funding source.

By request of the State of Florida, school districts administer the Florida Youth Survey (FYS), which is funded from sources other than the USDOE. This survey captures some of the information required by Title IV of NCLB and is a collaborative endeavor of the Governor’s Office of Drug Control and four state agencies: Departments of Children and Families, Health, Education, and Juvenile Justice. Most school districts have participated in this survey effort since 1999-2000 and ongoing plans are in place for the FYS to be administered to middle and high school students in the spring of 2003. Prior to administration of the

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surveys included in this effort, districts are required to adopt policies in conjunction with parents and to offer parents the opportunity to opt their child out of any particular survey. Districts should examine local policies for compliance with this amendment in the most efficient manner possible. It is also critical to have all policies and procedures in place to ensure the continued success of the Florida Youth Survey effort.

- ❑ Non-Emergency Medical Examinations—Section 232.0315(1), Florida Statutes, requires the school board of each district and the governing authority of each nonpublic school to require that each child who is entitled to admittance to prekindergarten or is entitled to any other initial entrance into a public or nonpublic school in this state to present a certification of school-entry health examination performed within one year prior to enrollment in school. NCLB now mandates that these local policies be developed in consultation with parents. When policy changes are made, districts must provide notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policies. Districts must provide parents the opportunity to opt out 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, and not necessary to protect the immediate health and safety of the student or of other students.
- ❑ Existing Policies—According to the U.S. Department of Education, “an LEA is not required to develop and adopt new policies if the state educational agency has in place, on the date of enactment of the NCLB Act of 2001, policies covering the requirements set forth in this law.” The NCLB Act is designed to strengthen state policies and is not intended to preempt state laws that require parental notification.

Please find enclosed a brief guide for school districts relating to FERPA and PPRA that reflects recent updates to federal law. This information was originally prepared and published by the U.S. Department of Education. It has been modified by staff at the Florida Department of Education for distribution to district school superintendents (appendix C).

Also enclosed is a sample notification of parents regarding student surveys and sample language that may be used when developing a policy or adding to an existing district policy relating to the administration of student surveys. You may choose to use these samples in the development of local policies (appendices D and E). Additional technical assistance documents will be available in the future to elaborate further on student record requirements.

If you have questions regarding FERPA, you may contact either Mary Jo Butler via email at maryjo.butler@fldoe.org or Gail Flores via email at gail.flores@fldoe.org or by telephone at 850-487-3510. This memo and packet of information may be accessed on the internet at <http://myfloridaeducation.com/commhome.dr-guide.htm>. If you have questions related to conducting surveys, please contact Lorraine Allen via email at lorraine.allen@fldoe.org or by telephone at 850-410-1667.

We hope this information will be helpful in ensuring that your district policies comply with the new federal and state law changes.

KM:gff

Enclosures (5)

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No Child Left Behind Act 2001: Pertinent Changes (appendix A)

Family Educational Rights and Privacy Act (FERPA): Model Notice for Directory Information (appendix B)

Recent Changes Affecting Family Educational Rights and Privacy Act and the Protection of Pupil Rights

Amendment Made by No Child Left Behind Act of 2001 (appendix C)

Sample Notification of Parents Regarding Student Surveys (appendix D)

Students Surveys Funded by Sources Other Than U.S. Department of Education: Sample Language for District Policy (appendix E)

cc: Assistant Superintendents for Instruction
District School Board Attorneys
Safe and Drug Free Schools

Directors of Student Services
School District Title I Contacts

Appendix A

No Child Left Behind Act 2001

Pertinent Changes

Title IV, Part A

Section 4155. Transfer of School Disciplinary Records

(a) Nonapplication of Provisions—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) Disciplinary Records—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

Title IX, Part E

Section 9528. Armed Forces Recruiter Access to Students and Student Recruiting Information

(a) Policy-

(1) Access to Student Recruiting Information—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except as provided in paragraph (2), each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students names, addresses, and telephone listings.

(2) Consent—A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described in paragraph (1) not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request.

(3) Same Access to Students—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students.

(b) Notification—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001, notify principals, school administrators, and other educators about the requirements of this section.

(c) Exception—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

(d) Special Rule—A local educational agency prohibited by Connecticut State law (either explicitly by statute or through statutory interpretation by the State Supreme Court or State Attorney General) from providing military recruiters with information or access as required by this section shall have until May 31, 2002, to comply with that requirement.

Title X, Part F

Section 1061. Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

(c) Development of Local Policies Concerning Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations and Surveys to Minors—

(1) Development and Adoption of Local Policies—Except as provided in subsections (a) and (b), a local educational agency that receives funds under any applicable program shall develop and adopt policies, in consultation with parents, regarding the following:

(A)(i) The right of a parent of a student to inspect, upon the request of the parent, a survey created by a third party before the survey is administered or distributed by a school to a student; and

(ii) any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

(B) Arrangements to protect student privacy that are provided by the agency in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of a parent of a student to inspect, upon the request of the parent, any survey containing one or more of such items):

(i) Political affiliations or beliefs of the student or the student's parent.

(ii) Mental or psychological problems of the student or the student's family.

(iii) Sex behavior or attitudes.

(iv) Illegal, anti-social, self-incriminating, or demeaning behavior.

(v) Critical appraisals of other individuals with whom respondents have close family relationships.

(vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.

(vii) Religious practices, affiliations, or beliefs of the student or the student's parent.

(viii) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

(C)(i) The right of a parent of a student to inspect, upon the request of the parent, any instructional material used as part of the educational curriculum for the student; and

(ii) any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

(D) The administration of physical examinations or screenings that the school or agency may administer to a student.

(E) 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), including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use.

(F)(i) The right of a parent of a student to inspect, upon the request of the parent, any instrument used in the collection of personal information under subparagraph (E) before the instrument is administered or distributed to a student; and

(ii) any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

(2) Parental Notification—

(A) Notification of Policies—The policies developed by a local educational agency under paragraph (1) shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by that agency. At a minimum, the agency shall —

(i) provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies; and

(ii) offer an opportunity for the parent (and for purposes of an activity described in subparagraph (C)(i), in the case of a student of an appropriate age, the student) to opt the student out of participation in an activity described in subparagraph (C).

(B) Notification of Specific Events—The local educational agency shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate

dates during the school year when activities described in subparagraph (C) are scheduled, or expected to be scheduled.

(C) Activities Requiring Notification—The following activities require notification under this paragraph:

- (i) 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).
 - (ii) The administration of any survey containing one or more items described in clauses (i) through (viii) of paragraph (1)(B).
 - (iii) Any nonemergency, invasive physical examination or screening that is —
 - (I) required as a condition of attendance;
 - (II) administered by the school and scheduled by the school in advance; and
 - (III) not necessary to protect the immediate health and safety of the student, or of other students.
- (3) Existing Policies—A local educational agency need not develop and adopt new policies if the State educational agency or local educational agency has in place, on the date of enactment of the No Child Left Behind Act of 2001, policies covering the requirements of paragraph (1). The agency shall provide reasonable notice of such existing policies to parents and guardians of students, in accordance with paragraph (2).

Appendix B

Family Educational Rights and Privacy Act (FERPA): Model Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that [School District], with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, [School District] may disclose appropriately designated directory information without written consent unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the [School District] to include this type of information from your child's education records in certain school publications. Examples include

- a playbill showing your student's role in a drama production
- the yearbook
- honor roll or recognition lists
- graduation programs
- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can be disclosed to outside organizations without a parent's prior written consent. Outside organizations include but are not limited to companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, on request, with three directory information categories—names, addresses and telephones listings—unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.*

You must notify the district in writing by [insert date] if you do not want [School District] to disclose directory information from your child's education records without your prior written consent. [School District] has designated the following information as directory information: [Note—An LEA may but does not have to include all the information listed below.]

- student's name
- address
- telephone listing
- electronic mail address
- photograph
- date and place of birth
- major field of study
- dates of attendance
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- degrees, honors, and awards received
- the most recent educational agency or institution attended
- grade level

*These laws are Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), the education bill; and 10 U.S.C. 503, as amended by section 544, the *National Defense Authorization Act for Fiscal Year 2002* (P.L.)_ 107-107, the legislation that provides funding for the nation's armed forces.

Appendix C

Recent Changes Affecting Family Educational Rights and Privacy Act and the Protection of Pupil Rights Amendment Made by No Child Left Behind Act of 2001

No Child Left Behind Act of 2001

Amendments to FERPA found in Title IV, Part A Section 4155 Transfer of School Disciplinary Records

FERPA currently permits schools to transfer any and all education records including disciplinary records for a student who is transferring to another school. See § 99.31(a) (2) and § 99.34 of the FERPA regulations. This new provision requires states that receive funds under the Elementary and Secondary Education Act (ESEA), within two years, to provide an assurance to the Secretary that the State *has a procedure in place to facilitate the transfer of disciplinary records with respect to a suspension or expulsion by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll on a full- or part-time basis in the school.*

Amendments to FERPA found in Title IX, Part E Section 9528 Armed Forces Recruiter Access to Students and Student Recruiting Information

FERPA currently allows schools to designate and disclose without consent certain items of information as *directory information*. The FERPA regulations define *directory information* under § 99.3 of the regulations and set forth the requirements for implementing a *directory information* policy under § 99.37 of FERPA. Generally, *directory information* may be disclosed by a school to any party provided the requirements of FERPA are followed.

Congress recently passed a provision in the No Child Left Behind Act that addresses the disclosure of directory-type information (students' names, addresses, and telephone listings) to military recruiters. Congress also included similar language in the National Defense Authorization Act for Fiscal Year 2002. Both laws, with some exceptions, require schools to provide directory-type information to military recruiters who request it. Typically, recruiters are requesting information on junior and senior high school students that will be used for recruiting purposes and college scholarships offered by the military. The US DOE is currently reviewing the provisions contained in these two laws and is working to develop guidance that will be sent to school officials.

Amendments to PPRA found in Title X, Part F Section 1061 Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

The No Child Left Behind Act contains a major amendment to the Protection of Pupil Rights Amendment (PPRA) that gives parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. PPRA has been referred to as the "Hatch Amendment" and the "Grassley Amendment" after authors of amendments to the law. Now, school officials may hear the law referred to as the "Tiahrt Amendment" after Congressman Todd Tiahrt who introduced the changes regarding surveys to the PPRA. The statute is found in 20 U.S.C. §1232h, and the regulations (not yet updated) are found in 34 CFR Part 98.

U.S. Department of Education Surveys

Subsection (a) of the legislation was not changed. Subsection (b) added an additional category (see bold below) and made minor changes to the existing seven categories. This provision applies to surveys funded in whole or part by any program administered by the U. S. Department of Education (ED). PPRA provides that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate and that schools and contractors obtain

prior written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning

- political affiliations or beliefs of the student or the student's parent
- mental and psychological problems of the student or the student's family
- sexual behavior or attitudes
- illegal, anti-social, 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 student's parent
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Subsections (a) and (b) of PPRA generally apply when a survey is funded at least in part by any program administered by the Secretary of Education.

Surveys Funded by Sources Other Than U.S. Department of Education

The new provisions (contained in subsection [c]) apply (as does FERPA) to educational agencies or institutions that receive funds from any program of the Department of Education. Thus, public elementary and secondary schools are subject to the new provisions of PPRA. Here are the new requirements.

- Schools are required to develop and adopt policies—in conjunction with parents—regarding the following:
 - Surveys
 - ◆ the right of parents upon request to inspect a survey created by a third party before the survey is administered or distributed by a school to students
 - ◆ arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents upon request to inspect the survey, if the survey contains one or more of the same eight items of information noted above
 - ◆ the collection, disclosure, or use of personal information from students for the purpose of marketing or selling, otherwise providing the information to others for that purpose
 - ◆ the right of parents upon request to inspect any instrument used in the collection of information, as described in number 3
 - Instructional Materials
 - ◆ the right of parents upon request to inspect any instructional material used as part of the educational curriculum for students
 - Physical Examinations or Screenings
 - ◆ the administration of physical examinations or screenings that the school may administer to students
- Local educational agencies (LEAs) must directly notify parents of these policies and shall provide the notice at least annually at the beginning of the school year. The LEA must also notify parents within a reasonable period of time if any substantive change is made to the policies.
- In the notification, the LEA shall offer an opportunity for parents to opt out of participation in the following activities:
 - ◆ 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 third party (non-Department of Education funded) survey containing one or more of the above described eight items of information
 - ◆ any non-emergency, invasive physical examination or screening that is required as a condition of attendance or administered by the school and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student or of other students.
- In the notification, the LEA shall notify parents the specific or approximate dates during the school year when these activities are scheduled.

- An LEA is not required to develop and adopt new policies if the state educational agency (SEA) or LEA has in place on the date of enactment of the No Child Left Behind Act of 2001 policies covering the requirements set forth in this law.
- The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do not apply to the collection, disclosure, or use of 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, such as the following:
 - ◆ college or other postsecondary education recruitment or military recruitment
 - ◆ book clubs, magazines, and programs providing access to low-cost literacy products
 - ◆ curriculum and instructional materials used by elementary schools and secondary schools
 - ◆ tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
 - ◆ the sale by students of products or services to raise funds for school-related or education-related activities
 - ◆ student recognition programs
- This law is not intended to preempt applicable provisions of state law that require parental notification.
- This law does not apply to any physical examination or screening that is permitted or required by state law, including such examinations or screenings permitted without parental notification.
- The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).
- These requirements do not supersede any of the requirements of FERPA.
- The rights provided to parents under PPRA transfer from the parent to the student when the student turns 18 years old or is an emancipated minor under applicable state law. The law applies to LEAs but does not apply to postsecondary institutions.
- An SEA or LEA may use funds provided under part A of title V of the ESEA to enhance parental involvement in areas affecting the in-school privacy of students.

Definition of some terms used in PPRA

Instructional Material refer to instructional material 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). The term does not include academic tests or academic assessments.

Invasive Physical Examination is 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.

Personal Information means individually identifiable information including a student or parent's first and last name, home address, telephone number, or social security number.

Appendix D

Sample Notification of Parents Regarding Student Surveys

Rationale

This school district participates in the Florida Youth Survey each year. This survey effort is conducted under the leadership of the Governor's Office of Drug Control and the Florida Departments of Education, Children and Families, Health, and Juvenile Justice. The results are used to improve our understanding of adolescent alcohol, tobacco, and other drug use as well as how we can work to prevent substance abuse and other problem behavior and promote healthy practices.

Participation Voluntary

As a parent, you have the right to prohibit your child's participation. Neither you nor your child is required to give a reason for not participating. Students who do participate will not be required to answer all of the questions—only those that they choose to answer. If you do not want your child to participate, sign the attached form and return to the school principal.

Arrangements to Protect Student Privacy

Schools and classes are selected at random from all middle and high schools in the state on a sampling basis. We will not know which schools or classes will be selected for participation until later in the school year. No personally identifiable information is requested as a part of the survey or the survey process. During the administration of the survey, forms are distributed to students and collected after completion by assigned staff and sent to contractors for processing.

Right to Inspect

You have the right to inspect the survey instrument prior to administration of the survey if a request is made within a reasonable period of time. The administration of student surveys is coordinated by the Office of _____. A request to inspect the survey instrument(s) may be made in writing to _____.

Schedule of Surveys for 2002-03

The Florida Youth Survey effort is administered in the spring. In 2003, it will be administered to students in a random sample of classes in grades 6-12 during the week of _____. Three survey instruments will be administered concurrently with no student being asked to complete more than one survey. The surveys given in 2003 will be the Florida Youth Tobacco Survey, Florida Youth Substance Abuse Survey, and the Youth Risk Behavior Survey. The survey instrument(s) will be available for inspection by ____ [DATE] _____ at _____.

Parents or legal guardians: Please check and sign below if you do not want your child to participate in the Florida Youth Survey.

I do not give consent for my child, _____, to participate in the Florida Youth Survey at [school]. Please provide him or her with an alternative activity while the survey is being administered.

Signature: _____

Date: _____

Appendix E

Student Surveys Funded by Sources Other Than U.S. Department of Education Sample Language for District Policy

District Policy

Local educational agencies receiving funds from the U.S. Department of Education are required by federal law to comply with new requirements for the collection and reporting of certain information by means of student surveys,¹ as well as new requirements to protect student privacy.² The information that must be reported relates to student attitudes and behaviors on topics such as school safety, substance use and the prevalence of risky attitudes or behaviors, particularly with respect to alcohol and drug abuse. In addition, these surveys also collect information on general health practices and human sexuality. Such information is collected by survey anonymously on a sampling basis, and no personally identifiable information is obtained from or reported on any individual student. The district cooperates with other agencies such as the Florida Department of Health in conducting these surveys.

It is the policy of this school district to notify parents of upcoming surveys that reveal information concerning one or more of the following items:

- political affiliations or beliefs of the student or the student's parent
- mental and psychological problems of the student or the student's family
- sexual behavior or attitudes;
- illegal, anti-social, 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 student's parent
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Participation Voluntary

No student shall be required to participate in such a survey if the student or the student's parent if the student is a minor objects to participation. Parents will be given the opportunity to opt their child out of participation.

Right to Inspect

A student or the student's parent if the student is less than 18 years of age has the right to inspect any such survey instrument before the survey is administered or distributed to students if a request is made within a reasonable period of time. Parents further have the right to be advised of arrangements that will be made to protect student privacy.

Notification of Parents

Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the specific or approximate dates during the school year when any such survey will be administered.

¹ No Child Left Behind Act, Title IV, Part A, Subpart 1, § 4112(c) (3) and 4116(a) (1) (A), P. L. 107-110.

² As required by Title X, Part F, § 1061 of P.L. 107-110, which amends 20 U.S.C. 1232h.