

## STUDENT PRIVACY

The Board recognizes its responsibility 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.

### 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, parental consent is required for minors to take part in surveys which gather any of the following information:

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 the 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).

In the event that the district plans to survey students to gather information included in the list above, the district will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

### Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does 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:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;

- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the district, 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). [For guidance regarding the disclosure of “directory information,” rather than personal information, see policy 5500, Student Records.]

#### Inspection of Instructional Material

Parents/guardians shall 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.”

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

#### Invasive Physical Examinations

Prior to the administration of any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student’s parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

#### Notification

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

WYNANTSKILL UNION FREE SCHOOL DISTRICT

**5500**

Cross-ref: 5420, Student Health Services  
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)  
34 CFR Part 98  
Education Law §903

Adoption date: April 14, 2011  
1<sup>st</sup> Revision: September 21, 2017

**PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY**

The Wynantskill School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. The Wynantskill School District establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.
- A student's PII cannot be sold or released for any commercial purposes by a third party contractor. The district will not sell student PII and will not release it for commercial purposes, other than directory information released by the district in accordance with district policy;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws protect the confidentiality of PII. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://www.p12.nysed.gov/irs/sirs/>.
- Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to the Wynantskill Union Free School District Attention District Office, 25 East Avenue Troy, NY 12180. Complaints can also be directed to the New York State Education Department by writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to [CPO@mail.nysed.gov](mailto:CPO@mail.nysed.gov).
- In the event that the District engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting the Wynantskill Union Free School District Attention District Office, 25 East Avenue Troy, NY 12180 or can access the information on the district's website [www.wynantskillufsd.org/](http://www.wynantskillufsd.org/).

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*Third Party Contractor Supplement*

The (insert name of contractor) has been engaged by the (insert name of school district) to provide services. In this capacity, the company may collect, process, manage, store or analyze student personally identifiable information (PII).

The (insert name of contractor) will provide the district with (describe specific purpose for which the student PII will be used).

The (insert the name of contractor) will ensure that subcontractors or others that the company shares PII will abide by data protection and security requirements by (describe methods/procedures to safeguard data use by subcontractors).

Parents may challenge the accuracy of PII held by (insert name of contractor) by contacting (insert contact information, including title, phone number, mailing address and email address).

The (insert name of contractor) will take reasonable measures to ensure the confidentiality of student PII by implementing the following (describe the following, as applicable):

- Password protections
- Administrative procedures
- Encryption
- Firewalls

The contractor's agreement with the district ends on (insert date). Once the contractor has completed its service to the district, records containing student PII will be destroyed by (insert date).

Adoption date: February 15, 2001  
1<sup>st</sup> Revision: September 21, 2017