

Protection of Pupil Rights Amendment — Notification of Rights

The Protection of Pupil Rights Amendment is a federal law that affords parents and students over 18 years of age (eligible students) certain rights regarding the manner in which Lexington County School District One conducts surveys, collects and uses information for marketing purposes, and does certain physical exams. These rights transfer from a student's parents to a student 18 years old or to an emancipated (under state law) minor and include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (protected information survey) if the survey is funded in whole or in part by a program of the U.S.

Department of Education:

- Political affiliations or beliefs of the student or student's parent
- Mental or psychological problems potentially embarrassing to the student or student's family
- Sex behavior or attitudes
- Illegal, anti-social, self-incriminating or demeaning behavior
- Critical appraisals of others with whom respondents have close family relationships
- Legally recognized privileged relationships, such as with lawyers, physicians or ministers
- Religious practices, affiliations or beliefs of the student or student's parent
- Income, other than as required by law to determine program eligibility

2. Receive notice and an opportunity to opt a student out of the following:

- Any other protected information survey, regardless of funding
- 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
- Activities involving the collection, disclosure or use of personal information obtained from students for marketing, or to sell or otherwise distribute the information to others

3. Inspect, upon request and before administration or use, the following:

- Protected information surveys of students
- Instruments used to collect personal information from students for any marketing, sales or other distribution purposes
- Instructional material used as part of the educational curriculum

Lexington District One has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.

Lexington District One will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Lexington District One will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his/her child out of participation in the specific activity or survey. The district will make this notification to parents at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below, and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure or use of personal information for marketing, sales or other distribution
- Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education
- Any non-emergency, invasive physical examination or screening as described above

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.