

ILD - STUDENT SURVEYS AND MARKETING INFORMATION

From time to time, the Cape Elizabeth School Department may administer or allow administration of surveys, analyses or evaluations to students in the course of developing and evaluating programs and services offered in the schools. The school unit will comply with the federal Protection of Pupil Rights Act and applicable regulations concerning the administration of surveys and the use of personal information about students for marketing purposes as outlined in this policy.

No student shall be required to participate in a survey, analysis or evaluation receiving funding wholly or partially under U.S. Department of Education programs that reveals the following information:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex 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 the student's parent; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program without the prior written consent of the student's parent/guardian, or of the student, if 18 years or older.)

In the case of surveys not funded under U.S. Department of Education programs, parents/guardians will receive prior notice of the survey and their right to opt-out. Parents/guardians may request that their child not participate in a particular survey by submitting a written request to the Building Principal within five days of receiving the notice.

If actual or expected dates of surveys have been scheduled when the policy is distributed, parents/guardians of affected students will be notified at that time. If surveys are scheduled after the start of the school year, parents/guardians will be provided with reasonable notice before the survey is administered.

Procedure for Inspection of Surveys/Instructional Materials

The Superintendent/designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents/guardian with access to surveys within a reasonable time before administration or distribution.

Parents/guardians will be notified of this policy annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Insofar as practicable, parents/guardians will also be notified annually at the beginning of the school year when surveys, analysis, or evaluations are scheduled or anticipated. Parents/guardians shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

Use of Student Personal Information for Marketing Purposes

The School Department does not collect, use or disseminate personal information about students for marketing or commercial purposes.

This policy does not prevent the collection, use or dissemination 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 (including but not limited to tests and assessments, sale by students of products or services to raise funds for school-related purposes, student recognition programs and book clubs or magazines).

Protection of Student Privacy

The Superintendent shall be responsible for ensuring that appropriate measures are taken to ensure that student privacy is protected when surveys are administered or personal information about students is collected, disclosed or used for marketing purposes.

Legal References:

- 20 U.S.C. § 6361 (No Child Left Behind Act)
- 20 U.S.C. § 1232h; 34 C.F.R. Part 98 (Protection of Pupil Rights Amendment)
- 20 U.S.C. § 1232g; 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act)

Cross References:

- [JRA – Student Education Records and Information](#)

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