

**STUDENT AND FAMILY PRIVACY RIGHTS**

The Board of Trustees believes that personal information concerning District students and their families is to be kept private in accordance with law.

Personal information defined by Federal law, 20 U.S.C. section 1232h(c)(6)(E), defines “personal information” as individually identifiable information, including a student’s first and last name, a home or other physical address, a telephone number or a Social Security identification number.

Except described below as permissible under Federal law, the Superintendent and designees are prohibited from collecting, disclosing, or using a student’s individually identifiable information, including his/her name, parent/guardian’s name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose. The Superintendent or designee shall not collect, solicit, or disclose social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law.

The Superintendent or designee may collect, disclose, or use students’ personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as: (20 USC 1232h)

1. To colleges, other postsecondary educational institutions, and the military, for the purpose of college or military recruitment
2. To book clubs, magazine publishers, and programs providing access to low-cost literary products
3. For the purpose of evaluating curricular and instructional materials used by elementary and secondary schools
4. For the purpose of evaluating tests and assessments that provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and for the subsequent analysis and public release of the aggregate data from such tests and assessments
5. To organizations that provide products or services used in raising funds for school-related or education-related activities
6. To student recognition programs

The District shall, in the District parent information guide, provide notification to parents and students of students’ information privacy rights and shall, at a minimum, request parent consent where legally required.

**STUDENT AND FAMILY PRIVACY RIGHTS (continued)**

As required by the Family Educational Rights and Privacy Act, the Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Any nonemergency physical examinations or screenings that the school may administer

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the District's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

*Legal Reference:*

*EDUCATION CODE*

*234.7 Student protections relating to immigration and citizenship status*

*49076.7 Privacy of student records; social security numbers*

*49450-49458 Physical examinations*

*49602 Confidentiality of personal information received during counseling*

*51101 Parents Rights Act of 2002*

*51513 Test, questionnaire, survey, or examination concerning personal beliefs*

*51514 Non-removal of survey questions pertaining to sexual orientation or gender identity*

*51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

*UNITED STATES CODE, TITLE 20*

*1232g Family Educational Rights and Privacy Act*

*1232h Protection of pupil rights*

Policy

adopted: July 26, 2005

revised: November 14, 2018

**Capistrano Unified School District**

San Juan Capistrano, California