

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**Students****STUDENT AND FAMILY PRIVACY RIGHTS**Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian.
2. Mental or psychological problems of the student or his/her family.
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality.
4. Illegal, anti-social, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom the student has close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers.
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian.
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program.

If a student participates in such a survey requesting information about personal beliefs and practices, County Superintendent school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements for prior written consent, the County Superintendent may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the County Superintendent administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the County Superintendent or designee shall not remove such questions. (Education Code 51514)

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any County Superintendent school student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

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1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices.
2. Any instructional material to be used as part of his/her child's educational curriculum.

Within a reasonable period of time after receiving a parent/guardian's request, the lead site administrator or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

**Health Examinations**

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

Invasive physical examination means 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 properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

**Notifications**

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The County Superintendent's policy regarding student privacy.
2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying County Superintendent and County Board policy.
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information.
  - b. Physical examinations or screenings.
  - c. Collection of personal information from students for marketing or sale.

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Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the County Superintendent shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

Adopted: 12/08/2011

Amended: 10/15/2020

5022, 3/2018; Doc#122736