

Public Notice and Consent or OPT-OUT for District Surveys, Collection and Use of Information for Marketing Purposes and Certain Physical Exams in Protected Areas.

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires Marion School District to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to David Colberg, PO Box 207; Marion, SD 57043. David Colberg will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the Marion School District will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

Date: On or about October 15, 2012

Grades: Five and Six

Activity: ABC Survey of At-Risk Behaviors.

Summary: This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

Consent [for ED funded, protected information surveys only]: A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this survey.

Opt-out [for any non-ED funded protected information survey]: Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

Date: November 22 - 24, 2012

Grades: One through Six

Activity: Flu Shots

Summary: The County Department of Public Health Services will administer flu shots for influenza types A and B.

Opt-out: Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

Below are two examples dealing with the collection, use and distribution of personal information for student-based commercial services. Administrators should *particularly* note the difference in the type of consent required for each activity depending on what personal information is being collected, used or distributed.

[Survey A: Limited to personal information designated as “directory information”]

Date: 2011-2012 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Opt-out: Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

[Note to schools: This information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools may meet PPRA notice requirements for specific marketing activities that involve only designated “directory information” by allowing parents to opt of “directory information” at the start of each school year, which would include all marketing activities.]

[Survey B: Collects personal information beyond designated directory information]

Date: 2011-2012 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Consent: A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this activity.

[Note to schools: While some of the information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use, and disclosure of students’ social security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with § 99.30 of the FERPA regulations.]

I _____ give my consent for _____ to take the ABC Survey of
(parent’s name) (child’s name)
At-Risk Behaviors on or about October 15, 2012.

Parent’s signature

Please return this form no later than [insert date] to the following school official: [Provide name and mailing address.]