

PARENT RIGHTS IN RELATION TO DISTRICT PROGRAMS/ACTIVITIES AND STUDENT PRIVACY

Policy 333

Waukeew Community School District

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Parents may request a change in or exemption to their child's participation in certain District educational programs or activities in accordance with state and federal laws. These laws also grant parents and guardians the right to inspect certain materials that are part of the District's curriculum or other activities.

1. The parent of a student may, upon submitting a written request to the Building Principal, opt their child out of participation in:
 - a. Instruction in human growth and development.
 - b. Instruction in certain health-related subjects (physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease and the proper care of the body).
 - c. The state-mandated achievement examinations annually administered to students in grades 4, 8, 9, 10, and 11 that are part of the Wisconsin Student Assessment System (WSAS).
 - d. Any state-mandated or federally-mandated achievement examination that is part of the WSAS and annually administered to students in grades 3, 5, 6, or 7, provided that approving an opt-out request is permitted by the applicable laws and regulations.
 - e. Other standardized tests under WCSD Policy 346.
2. Students exempted from instruction credited toward high school graduation may be required to complete an alternative assignment that is like the exempted instruction in length of time necessary to complete.
3. If the District conducts mental health assessments of any child or arranges to provide mental health services to any child, then, to the extent required by applicable law or as otherwise deemed appropriate by the administration, the District shall provide written notice to the child's parent describing such assessments or services and obtain the written consent of a parent for the child's participation. If applicable, any such notice and consent procedures will be directed to an adult student
4. The District shall provide to the parent of each affected student advance notice of the District's intent to engage any of the following activities (including notice of the scheduled or approximate date of the activity), and, except where applicable law or this policy expressly requires the District to obtain affirmative consent, the parent shall have, **at a minimum**, the right to opt their child out of participation in each such activity:
 - a. Any activity involving the collection, disclosure or use of personal information collected from students for the purpose of marketing, or otherwise providing that information to others for that purpose.
 - b. Any non-emergency, invasive physical examination or screening that is: (a) required as

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a condition of attendance, (b) administered by the school and scheduled by the school in advance, and (c) not necessary to protect the immediate health and safety of the student, or of other students; except that this paragraph shall not be interpreted to apply to any such examination or screening that is required or expressly authorized by state law.

- c. Any survey that contains or reveals information concerning any of the following:
- 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 students 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 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 a program.

However, if the District intends to require students to participate in any survey, analysis or evaluation that would reveal information concerning any of the eight protected-information categories above, and if the activity in question is funded in whole or in part by any program of the U.S. Department of Education, then the District shall first obtain the affirmative, written consent of a parent for the student's participation (or, for an adult student, the advance, affirmative consent of the adult student).

District staff shall take additional precautions to protect student privacy when engaging in any of the above-mentioned activities in accordance with established procedures.

4. Upon request to the District, the parent of a student may inspect:
- a. Any instrument used in the collection of personal information from students for the purpose of marketing, or otherwise providing that information to others for that purpose.
 - b. Any survey the District intends to administer or distribute to students that contains or that would reveal information in any of the eight protected-information categories listed within this policy, above.
 - c. Any survey created by a third party (regardless of content) before the survey is administered or distributed by a school to a student.
 - d. Any instructional materials (exclusive of tests or assessments) used as part of the

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educational curriculum for the student, which shall be interpreted to include, for example, (1) the curriculum and instructional materials used in any human growth and development instructional program; and (2) the instructional materials used in connection with any survey, analysis or evaluation (including any research or experimentation program or project designed to explore new or unproven teaching methods) that is funded in whole or in part by any U.S. Department of Education program.

Parents shall make any of the above requests regarding inspection of materials or student participation in certain activities in writing to the applicable building principal or his/her designee. Other parent requests dealing with student participation in other curricular, instructional or programmatic activities that are not expressly identified in this policy may be made in the same manner. All requests will be judged individually and shall be based upon any applicable state or federal requirements or guidelines. The principal or his/her designee shall respond to such requests in a timely manner.

For purposes of this policy, the terms "survey," "parent," "invasive physical examination," and "personal information for the purpose of marketing" shall be defined as those terms are defined (including applicable exceptions) in the federal Protection of Pupil Rights Amendment (PPRA).

The District shall inform parents of this policy and related procedures annually at the beginning of each school year. Any changes to this policy shall be made in consultation with parents of students.

Legal References:

Wisconsin Statutes

- [Section 118.01\(2\)\(d\)2.c](#) [student exemption from certain health education activities]
[Section 118.019](#) [human growth and development instruction]
[Section 118.30\(2\)\(b\)3](#) [parental right to excuse child from taking state-mandated assessments in grades 4, 8, 9, 10 and 11]

Federal Laws

- [20 U.S.C. §1232\(h\)](#) [Protection of Pupil Rights Provision of General Education Provisions; student privacy policies required and other privacy and parent's rights mandates]
[20 U.S.C. §7101](#) [obligation to obtain informed parental consent in connection with certain federally-funded mental health assessments and mental health services]
[34 C.F.R. Sections 98.3 and 98.4](#) [U.S. Department of Education Regulations; last issued/revised under prior versions of the PPRA]

Cross References:

- 341.31 Human Growth and Development Instruction
346 Student Assessment Program

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WASB PRG 333 Sample Policy 1

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