

StudentsStudent Privacy Protection Policy

It is the policy of Scottsbluff Public Schools to develop and implement policies which protect the privacy of students in accordance with applicable laws. The District's policies in this regard include the following:

1. Right of Parents/Guardians to Inspect Surveys Funded or Administered by the United States Department of Education or Third Parties  
Parents/guardians shall have the right to inspect, upon the parent/guardian's request, a survey created by and administered by either the United States Department of Education or a third party (a group or person other than the District) before the survey is administered or distributed by the school to the parent/guardian's child.
2. Protection of Student Privacy in Regard to Surveys of Matters Deemed to be Sensitive  
The District will require, for any survey of students which contain one or more matters deemed to be sensitive (see section headed "Definition of Surveys of Matters Deemed to be Sensitive"), that suitable arrangements be made to protect student privacy (that is, the name or other identifying information about a particular student). For such surveys, the District will also follow the procedures set forth in the section entitled: "Notification of and Right to Opt-Out of Specific Events."
3. Right of Parents/Guardians to Inspect Instructional Materials  
Parents/guardians shall have the right to inspect, upon reasonable request, any instructional material used as part of the educational curriculum for their child. Reasonable requests for inspection of instructional materials shall be granted within a reasonable period of time after the request is received. Parents/guardians shall not have the right to access academic tests or academic assessments, as such are not within the meaning of the term instructional materials for purposes of this policy.

The procedures for making and granting a request to inspect instructional materials are as follows: the parent/guardian shall make the request, with reasonable specificity, directly to the building principal. The building principal, within five school days, shall consult with the teacher or other educator responsible for the curriculum materials. In the event the request can be accommodated, the building principal shall make the materials available for inspection or review by the parent/guardian, at such reasonable time and place as will not interfere with the educator's intended use of the materials. In the event there is a question as to the nature of the curriculum materials requested or as to whether the materials are required to be provided, the building principal shall notify the parent/guardian of such concern, and assist the parent/guardian with forming a request which can reasonably be accommodated. If the parent/guardian does not formulate such a request, and continues to desire certain curriculum materials, the parent/guardian shall be asked to make their request to the Superintendent or the Superintendent's designee.

4. Rights of Parents/Guardians to be Notified of and to Opt-Out of Certain Physical Examinations or Screenings

The general policy and practice of the District is to not administer physical examinations or screenings of students which require advance notice or parent/guardian opt-out rights under the applicable federal laws, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions:

- a. In accordance with Nebraska Department of Health and Human Service requirements;
- b. Physical examinations or screenings that are permitted or required by an applicable state law; and,
- c. Surveys administered to students in accordance with the Individuals with Disabilities Education Act.

For physical examinations or screenings which do not fit into the applicable exceptions, the District will follow the procedures set forth in the section entitled: “Notification of and Right to Opt-Out of Specific Events.”

5. Protection of Student Privacy in Regard to Personal Information Collected from Students

The general policy and practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. The District will make reasonable arrangements to protect student privacy to the extent possible in the event of any such collection, disclosure, or use of personal information.

Personal information for purposes of this policy means individually identifiable information about a student including:

- a. A student or parent/guardian’s first and last name;
- b. Home address;
- c. Telephone number; and/or,
- d. Social security number.

The term personal information, for purposes of this policy, does not include information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. This exception includes the following examples:

- a. College or postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines, and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used by elementary schools and secondary schools;
- d. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about student, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;

- e. The sale by student of products or services to raise funds for school-related or education-related activities; and/or,
  - f. Student recognition programs.
6. Parent/Guardian Access to Instruments Used in the Collection of Personal Information  
While the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, parents/guardians shall have the right to inspect, upon reasonable request, any instrument which may be administered or distributed to a student for such purposes. Reasonable requests for inspection shall be granted within a reasonable period of time after the request is received.

The procedures for making and granting such a request are as follows: the parent/guardian shall make the request, with reasonable specificity, directly to the building principal and shall identify the specific act and the school staff member or program responsible for the collection, disclosure, or use of personal information from students for the purpose of marketing that information. The building principal, within five school days, shall consult with the school staff member or person responsible for the program which has been reported by the parent/guardian to be responsible for the collection, disclosure, or use of personal information from students. In the event such collection, disclosure, or use of personal information is occurring or there is a plan for such to occur, the building principal shall consult with the Superintendent or the Superintendent's designee for determination of whether the action shall be allowed to continue. If not, the instrument for the collection of personal information shall not be given to any students. If it is to be allowed, such instrument shall be provided to the requesting parent/guardian as soon as such instrument can be reasonably obtained.

#### Annual Parental Notification of Student Privacy Protection Policy

The District shall provide parents/guardians with reasonable notice of the adoption or continued use of this policy and other policies related to the student privacy. Such notice shall be given to parents/guardians of students enrolled in the District at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies.

#### Notification to Parents/Guardians of Dates of and Right to Opt-Out of Specific Events

The District shall directly notify the parents/guardians of the affected children, of the specific or approximate dates during the school year when any of the following activities are scheduled, or are expected to be scheduled:

1. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. (Note: The general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information);
2. Surveys of students involving one or more matters deemed to be sensitive in accordance with the law and this policy; and,
3. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of

other students. (Note: The general practice of the District is to not engage in physical examinations or screenings which require advance notice, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions to the advance notice requirement and parent/guardian opt-out right:

- a. Screenings in accordance with Nebraska Department of Health and Human Service requirements;
- b. Physical examinations or screenings that are permitted or required by an applicable state law; and,
- c. Surveys administered to students in accordance with the Individuals with Disabilities Education Act.

Parents/guardians shall be offered an opportunity in advance to opt their child out of participation in any of the above listed activities. In the case of a student of an appropriate age (that is, a student who has reached the age of 18, or a legally emancipated student), the notice and opt-out right shall belong to the student.

#### Definition of Surveys of Matters Deemed to be Sensitive

Any survey containing one or more of the following matters shall be deemed to be sensitive for purposes of this policy:

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's parent/guardian;
3. Sex behavior or attitudes;
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, and ministers;
7. Religious practices, affiliations, or beliefs of the students or the student's parent/guardian; or,
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

#### Mental Health Assessment or Service

The District shall attempt to obtain informed consent from the parent/guardian of each child who is under 18 years of age to participate in any mental-health assessment or therapeutic service that is funded under the Every Student Succeeds Act ("ESSA"). Before obtaining the consent, the District shall provide the parent/guardian written notice describing in detail such mental health assessment or therapeutic service, including the purpose for such assessment or therapeutic service, the provider of such assessment or therapeutic service, when such assessment or therapeutic service will begin, and how long such assessment or therapeutic service may last. No mental health assessment can be conducted without written consent from the parent/guardian.

Legal Authorities: [20 U.S.C. 3601](#)  
[20 U.S.C. 1232](#)  
[34 CFR Part 98](#)  
[Neb. Rev. Stat. §§ 79-530 to 79-533](#)

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