

Topeka Public Schools will protect the right of privacy of students and their families in connection with any surveys or physical examinations conducted, assisted, or authorized by the board or administration. The district will annually provide parents notice of their rights under the Protection of Pupil Rights Amendment and the Student Data Privacy Act, at the beginning of each school year, and at any other time the school district policies in the area are substantially changed.

I. Student Data Restrictions

A. Any student data submitted to and maintained by a statewide longitudinal student data system shall only be disclosed in accordance with the Student Data Privacy Act. Disclosure of all other student data or student record information maintained is governed by the Family Educational Rights and Privacy Act (“FERPA”) and board policy 8250 and regulation 8250-01 governing Student Records.

B. Annual written notice presented to parents and legal guardians of district students shall:

- 1. Require parent or guardian’s signature; and**
- 2. State student data submitted to and maintained by a statewide longitudinal data system only be disclosed as follows.**

Student data may be disclosed to:

- a. The authorized personnel of an educational agency or the state board of regents who require disclosures to perform assigned duties; and**
- b. The student and the parent or legal guardian of the student, provided the data pertains solely to the student.**

C. Student data may be disclosed to authorized personnel of any state agency, or to a service provider of a state agency, educational agency, or school performing instruction, assessment, or longitudinal reporting, provided a data-sharing agreement between the educational agency and other state agency or service provider provides the following:

- 1. Purpose, scope and duration of the data-sharing agreement;**
- 2. Recipient of student data will use such information solely for the purposes specified in the agreement;**
- 3. Recipient shall comply with data access, use, and security restrictions specifically described in the agreement; and**
- 4. Student data shall be destroyed when no longer necessary for purposes of the data-sharing agreement or upon expiration of the agreement, whichever occurs first.**
 - a. A service provider engaged to perform a function of instruction may be allowed to retain student transcripts as required by applicable laws and rules and regulations. Destruction shall comply with the NISTSP800-88 standards of data destruction.**

- D. Unless an adult student or parent or guardian of a minor student provides written consent to disclose personally identifiable student data, student data may only be disclosed to a governmental entity not specified above or any public or private audit and evaluation or research organization if the data is aggregate data. “Aggregate data” means data collected or reported at the group, cohort, or institutional level and which contains no personally identifiable student data.**

The district may disclose:

- 1. Student directory information when necessary and the student’s parent or legal guardian has consented in writing;**
- 2. Directory information to an enhancement vendor providing photography, class ring, yearbook publishing, memorabilia, or similar services;**
- 3. Any information requiring disclosure pursuant to state statutes;**
- 4. Student data pursuant to any lawful subpoena or court order directing such disclosure; and**
- 5. Student data to a public or private postsecondary educational institution for purposes of application or admission of a student to such postsecondary educational institution with the student’s written consent.**

II. Student Data Security Breach

If there is a security breach or unauthorized disclosure of student data or personally identifiable information submitted to or maintained on a statewide student longitudinal data system, each affected student or the student’s parent or legal guardian, if a minor, shall be immediately notified, and an investigation into the causes and consequences of the breach or unauthorized disclosure will be conducted.

III. Biometric Data

- A. The district shall not collect biometric data from a student or use any device or mechanism to assess a student’s physiological or emotional state, unless the adult student or the parent or legal guardian of the minor student consents in writing. “Biometric data” includes measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.**
- B. Nothing in this policy shall prohibit the collection of audio voice recordings, facial expression information, and student handwriting for:**
- 1. Provision of counseling or psychological services,**
 - 2. Conducting student threat assessments,**
 - 3. Completing student disciplinary investigations or hearings**

4. Conducting child abuse investigations.**IV. Select Student Surveys**

- A. No nonacademic test, questionnaire, survey, or examination containing any questions about the personal and private attitudes, values, beliefs or practices of the student or the student's parents, guardians, family members, associates, friends or peers shall be administered to any kindergarten through 12th grade student unless the parent or guardian:**
- 1. Is notified in writing not more than four months in advance of the administration of such test, questionnaire, survey, or examination; and**
 - 2. Gives written or electronic signature consent or, in the event of an emergency, gives verbal consent for the student to participate.**
- B. Advance notification to a parent or guardian must include:**
- 1. A copy of the test, questionnaire, survey or examination to be administered;**
 - 2. Information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey, or examination;**
 - 3. The name of the company or entity that produces or provides the test, questionnaire, survey, or examination to the school; and**
 - 4. Whether the school will receive or maintain any resulting data and an explanation of how the school intends to use and maintain such data.**

For written consent to be accepted, timely notice in compliance with this policy must be provided, and the parent or guardian must have had an opportunity to review the information. Written consent must be provided separately for each individual test, questionnaire, survey, or examination administered. Prior to administering any such test, questionnaire, survey, or examination, a copy of it must be posted on the district's website.

A student has the right to refuse to take any nonacademic test, questionnaire, survey, or examination at any time, regardless of the receipt of parent or guardian consent to participate. Prior to administering any such test, questionnaire, survey, or examination, each student shall be informed of their right to refuse to take it and that the student will not suffer any adverse consequences based on their refusal.

No personally identifiable student data shall be collected through any such test, questionnaire, survey, or examination.

Except as otherwise provided in this policy, this policy shall apply to any nonacademic test, questionnaire, survey, or examination administered or proposed to be administered to any student by any school district employee including, but not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.

If any district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers, or another school district employee, school personnel designated to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse. Prior to the administration of any such risk assessment or screening, the designated staff member shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain consent.

The designated staff member may administer the risk assessment or screening tool without such consent after reasonable attempts to notify the parent or guardian and efforts to obtain consent are documented. If a risk assessment or screening tool is administered without the parent or guardian's consent, the designated staff member shall notify the parent or guardian of the assessment or screening as soon as contact with the parent or guardian is made and provide the parent or guardian with all the information obtained from the risk assessment or screening tool.