

Effective Date: 07/09/02	500-6 Protection of Pupil Rights Amendment Policy
Revision Date: 06/26/06, 1/21/20,	Approved by: DPSA Board
Last Reviewed 2/10/21	

The Duluth Public Schools Academy Charter School District 4020-07, has adopted the following Protection of Pupil Rights Amendment Policy in order to notify parents and students who are eighteen (18) or emancipated minors (“eligible students”) of their rights under the Protection of Pupil Rights Amendment, which governs how DPSA conducts surveys, collects and uses information for marketing purposes, and collects and uses certain physical exams. These rights include:

- A. The Right to Consent Before Participating in a Protected Information Survey – before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) then consent must be obtained, provided that the survey is funded in whole or in part by a program of the U.S. Department of Education. The following is a list of protected areas requiring consent: (1) political affiliation or beliefs of the student or student’s parents; (2) mental and psychological problems of the student and their family; (3) sex behavior and attitudes; (4) illegal, anti-social, self-incriminating, and demeaning behavior; (5) critical appraisals or other individuals with whom respondents have 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 student or student’s parents; (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

- B. The Right to Consent to Collection, Disclosure, or Use of Information Used in Marketing or Otherwise Distributed – consent must be obtained before students participate in activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

- C. The Right to Receive Notice and an Opportunity to Opt Out Of – (1) any other protected information survey, regardless of funding; and (2) any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, and scoliosis screenings, or any physical exam or screening permitted or required under State law.

- D. The Right to Inspect Upon Request and Before Administration or Use – (1) protected information surveys of students; (2) instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and (3) instructional material used as part of the educational curriculum.

DPSA has adopted this Policy in consultation with parents regarding the aforementioned rights. DPSA will directly notify parents and eligible students of these policies at least annually at the start of each school year, and after any substantive changes. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their child out of such activities and surveys.

Parents or eligible students who believe their rights have been violated may file a complaint with the:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

NOTE: All rights transfer to a student when they turn eighteen (18).