

TEXAS SCHOOL FOR THE DEAF

INSTRUCTIONAL RESOURCES

EF

SCHOOL LIBRARY

The School possesses significant discretion to determine the content of the School libraries. A School must, however, exercise its discretion in a manner consistent with the First Amendment.

REMOVAL OF LIBRARY MATERIALS

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. The School shall not remove materials from a library for the purpose of denying students access to ideas with which the School disagrees. The School may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.
30TUBd. of Educ. v. PicoU, 457 U.S. 853 (1982)

INSTRUCTIONAL MATERIALS

Instructional materials selected for use at the School shall be furnished without cost to students attending the School. Except as provided by Education Code 31.104(d), the School may not charge a student for instructional material or technological equipment purchased by the School with the School's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

PARENTAL ACCESS

A parent is entitled to review all teaching materials, textbooks, and other teaching aids used in the classroom of the parent's child and to review each test administered to the child after the test is administered. The Superintendent or designee shall ensure that teaching materials and tests are readily available for parental review and ensure that such review shall take place in the child's classroom during the child's lunch period, during the teacher's planning period or after the conclusion of the child's regular school day. A parent or guardian who wishes to review his or her child's materials must make a request to the child's teacher at least 24 hour prior to such review.
Education Code 26.006

A student's parent is entitled to request that the School allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the School shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.
Education Code 26.006

INFORMATION COLLECTION AND ACCESS

**U.S.DOE FUNDED SURVEYS
CONSENT REQUIRED**

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at PROTECTED INFORMATION, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 123h(b)*

All instructional materials, including teacher's manuals, films, tapes, or

PARENTAL INSPECTION

other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. DOE shall be available for inspection by the parents or guardians of the children. The Superintendent or designee shall ensure that the instructional and other supplementary materials are readily available for parental review and ensure that such review shall take place in the child's classroom during the child's lunch period, during the teacher's planning period or after the conclusion of the child's regular school day. A parent or guardian who wishes to review his or her child's materials must make a request to the child's teacher at least 24 hour prior to such review. *20 U.S.C. 1232h(a)*

INFORMATION COLLECTION
FUNDED BY OTHER SOURCES
POLICIES

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. DOE FUNDED SURVEYS, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. DOE, the School shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. The School's arrangements to protect student privacy in the event a survey containing one or more of the items listed under PROTECTED INFORMATION, below, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within two school days after the request is received.
4. The administration of physical examinations or screenings that the School may administer to the student;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by the School, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in

collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

PARENTAL NOTIFICATION

The School shall provide for reasonable notice of the adoption or continued use of such policies directly to parents. At a minimum, the School shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

The School shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at PROTECTED INFORMATION, below.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the School in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)–(4) [See FFAA]

PROTECTED INFORMATION

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sexual behavior and attitudes.

4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of 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 parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b), (c)(1)(B)

“PERSONAL INFORMATION”
DEFINED

The term “personal information” means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

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