



<b>Policy Title &amp; Number</b>	520- Student Surveys
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<b>Date Created:</b>	June 12, 2018
<b>Past Policy Revision Date(s):</b>	
<b>Related Policy(ies):</b>	
<b>Policy Type (Operating, Board)</b>	Operating

**A. Purpose**

Occasionally the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

**B. Definitions**

**C. Policy Statement**

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with federal law.

Student Surveys in General

A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.

- B. The Director may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is provided with notification that such survey is to be administered. Parents or guardians of the student will have the opportunity to have the student opt out of the survey.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with MN. Government Data Practices Act, Family Educational Rights and Privacy Act and other related statutes.
- E. The school district must not impose an academic or other penalty on a student who opts out of participating in a student survey.

Student Surveys Conducted as Part of U. S. Department of Education Programs

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which 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. Department of Education shall be available for inspection by the parents or guardians of the students.
- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor) or, in the case of an emancipated minor, without the prior written consent of the parent, to submit to a survey that reveals information concerning:
1. political affiliations or beliefs of the student or the student's parent;
  2. mental and psychological problems of the student or the student's family;
  3. sex behavior or attitudes;
  4. illegal, antisocial, self-incriminating, or 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 the student's parent; 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).

#### Student Surveys that are Not Sponsored by a Department of Education Program

- A. Parents will be notified in advance of a survey and may inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student. The notice will include information on how parents may gain access to the survey prior to its administration. “Parent” means a legal guardian or other person acting in loco parentis (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
- B. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent of a student to inspect, on request, any such survey. Student privacy will be protected to the extent possible when a survey is administered that contains one or more of the items listed in Section IV. B.

#### Information Collection or Disclosure

- A. This policy does not apply to the collection, disclosure, or 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:
  1. information collected by teachers to gather students’ feedback on the classroom experience;
  2. college or other postsecondary education recruitment or military;
  3. book clubs, magazines, and programs providing access to low cost literary products;
  4. curriculum and instructional materials used by elementary and secondary schools;
  5. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, 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;
  6. the sale by students of products or services to raise funds for school-related or education-related activities; and
  7. student recognition programs.

#### Annual Parental Notification

- A. The district will provide notice annually of when surveys are expected to be administered. Notice will be at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
- B. The school district must inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents reasonable notice of planned surveys scheduled after the start of the school year. The school district must give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.
- C. The notice will provide parents with an opportunity to opt out of participation in the following activities:
1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
  2. The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.
  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 other students. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening
- D. The school district must give parents the opportunity to review the survey and to opt their students out of participating in the survey.
- E. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

*This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.*

#### **D. Associated Procedures or Other Information**

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#### **E. Associated Forms**

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out) 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) 20 U.S.C. § 1232h (Protection of Pupil Rights) 34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations) *Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002) *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d. 159 (3rd Cir. 2005) *Fields v. Palmdale School Dist.*, 427 F.3d. 1197 (9th Cir. 2005)

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records) MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination) MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)