520 STUDENT SURVEYS

I. 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.

II. GENERAL STATEMENT OF POLICY

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 20 U.S.C. § 1232h.

III. 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. No requirement that the student return the survey shall exist, and no record of the student's returning a survey will be maintained.

B. The superintendent 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

notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent/guardian for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.

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 their responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

E. The school district must not impose an academic or other penalty on a student who opts out of participating in a student survey.

F. As an exception to the general requirements of this Policy, the Superintendent may approve a survey that is designed to increase student engagement but is not anonymous, if students are conspicuously notified, verbally and in writing, that: (1) the survey is completely voluntary, (2) they are not required to participate, and (3) they will not receive any penalty or consequence for not participating or not completing the survey. Under this exception, the superintendent may not approve a survey that would elicit or gather any of the information listed in Section IV.B of this policy.

G. Classroom-level questionnaires do not require advance notification but should not seek any information listed in Section IV.B. Classroom-level questionnaires that seek to gather clearly innocuous data related to individual students do not fall under the anonymous guidelines of this policy. For example, a questionnaire administered by a band teacher asking: “What instrument are you interested in playing in band?” does not need to be anonymous. In contrast, surveys that ask students to provide feedback on teaching practices should be anonymous. Regardless of the nature of the questionnaire, they should be optional without pressure to participate and carry no penalty for non-participation.

IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

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 unemancipated minor, without the prior written consent of the parent/guardian, to submit to a survey**, analysis, or evaluation** that reveals information concerning:

1) political affiliations or beliefs of the student or the student's parent/guardian;

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/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).

C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with ~~Sections~~ **Paragraphs** IV.A. and IV.B., above, concerning student privacy, parental/guardian access to information, and administration of certain physical examinations to minors.

1) The following policies are to be adopted in consultation with parents/guardians:

a. The right of a parent/guardian **of a student** to inspect, **up**on request **of the parent/guardian**, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including **any applicable** procedures for granting a parent's/guardian's request for reasonable access to such survey within a reasonable period of time after the request is received.

"Parent/guardian" 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~~ **student** lives, or a person who is legally responsible for the welfare of the ~~child~~ **student**.

b. Arrangements to protect student privacy in the event of the administration or distribution of a survey **to a student**, including an evaluation, to a student which contains one or more of the items listed in ~~Section~~ **Paragraph** IV.B., above, including the right of a parent/guardian of a student to inspect, **up**on request **of the parent/guardian**, any such survey.

c. The right of a parent/guardian of a student to inspect, **up**on request **of the parent/guardian**, any instructional material used as part of the educational curriculum for the student and **any applicable** procedures for granting a request by a parent/guardian for ~~such~~ **reasonable** access **to instructional material** within a reasonable period of time after the request is received.

"Instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (~~i.e.,~~**such as** materials accessible through the Internet). The term does not include academic tests or academic assessments.

d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, *et seq.*).

e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that

information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.

1. "Personal information" means individually identifiable information including a student or parent's/guardian's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.

2. This provision 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:

a) college or other 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 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 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;

e) the sale by students of products or services to raise funds for school-related or education-related activities; and

f) student recognition programs.

3. The right of a parent/guardian to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent/guardian for reasonable access to such an instrument within a reasonable period of time after the request is received.

2) The policies adopted under ~~Section IV.C.,~~ Subparagraph **IV.C.**1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents/guardians of students enrolled in or served by the school district.

a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.

b. The notice will provide parents/guardians 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~~ **Paragraph** IV.B., above.

(3) Any nonemergency, 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 **any** act during such examination that includes incision,

insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

c. The notice will advise students of the specific or approximate dates during the school year when the activities in ~~Section IV.C.2.,~~ Subparagraph **IV.C.2.**b., above, are scheduled, or expected to be scheduled.

d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental/guardian 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/guardian notification.

V. NOTICE

A. The school district must give parents/guardians and students **direct** notice of this policy at the beginning of each school year and after making substantive changes to this policy.

B. The school district must inform parents/guardians at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents/guardians reasonable notice of planned surveys scheduled after the start of the school year. The school district must give parents/guardians 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 school district must give parents/guardians the opportunity to review the survey and to opt their students out of participating in the survey.

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: School District Policy 515 (Protection and Privacy of Pupil Records)
School District Policy 521 (Student Disability Nondiscrimination)
School District Policy 522 (Student Sex Nondiscrimination)

Resources: **U.S. Department of Education, *Family Educational Rights Privacy Act (FERPA)***
U.S. Department of Education, *Protection of Pupil Rights Amendment (PPRA)*

POLICY ADOPTED: September 9, 2009
POLICY REVIEWED/REVISED: March 17, 2014; June 15, 2020; April 15, 2024
Monitoring Method: Administrative Review
Monitoring Frequency: Every three years