

STUDENT SURVEYS

School districts receiving funds under any U.S. Department of Education program must notify parents of their right to inspect certain student surveys and other activities that collect, disclose, or use personal information from students including materials designed to sell or market student information to others. The types of surveys include those created by third parties (outside the school district) and their subject matter is specified below. Parents must be notified of their rights before the survey is distributed to students. School districts must provide the survey to parents within a reasonable amount of time after the request and before the surveys are distributed to students. Districts must also involve parents in developing and adopting policies that establish the rights of parents, upon request, to inspect student surveys and opt their children out.

Examples of activities used to collect, disclosure or use of personal information from students including materials designed to sell or market student information to others would include:

- Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.
- The administration of any survey containing one or more of the eight protected areas of information including: political affiliations or beliefs of the student or student's parents; mental or psychological problem of the student or student's family; sexual behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or relationships such as those of lawyers, physicians, and ministers; religious practices, affiliations, or beliefs of the student or student's parents; and income.

Schools must obtain active consent and may not use an opt out feature if the survey is funded in whole or in part with Department of Education funds.

(FEDERAL ESEA LAW and Board Policy 2416)