

## **NON-EDUCATIONAL SURVEYS AND QUESTIONNAIRES**

Separate federal and state laws require that written consent be obtained from a parent or guardian (or the student, if the student is an adult or an emancipated minor) before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student's academics. It is the purpose of this policy to assist the District in complying with these laws and to only administer non-educational surveys when the applicable requirements are met.

### **A. General Provisions**

For the purpose of this policy, "non-academic survey" shall include surveys, analyses, evaluations or other documents designed to elicit any information in the categories listed in Section B (below). This policy does not apply to academic surveys, including those which may be developed by students and/or District staff as part of a classroom requirement.

All non-academic surveys conducted for the District must have the prior approval of the Superintendent or his/her designee. Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent and the approval of the School Board as to content and purpose. The results of such approved surveys must be shared with the School Board, if such a disclosure is consistent with privacy laws, including but not limited to the Family Educational Rights and Privacy Act ("FERPA").

No questionnaire or survey requesting information of a sexual nature will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation. School personnel administering any such questionnaire or survey will not disclose personally identifiable information.

### **B. Applicable Laws**

Federal law, the Protection of Pupil Rights Amendment, requires prior written consent only if the survey, analysis, evaluation, or its administration is paid for or in any way uses funds from the Federal Department of Education and reveals information concerning the following:

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. Sexual behavior and/or attitudes;
4. Illegal, anti-social, self-incriminating, and/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).

### **NON-EDUCATIONAL SURVEYS AND QUESTIONNAIRES (continued)**

State law, RSA 186:11, IX-d, requires prior written consent on questionnaires or other surveys designed to elicit information about a student's:

1. social behavior;
2. family life;
3. religion;
4. politics;
5. sexual orientation;
6. sexual activity;
7. drug use;
8. or any other information not related to a student's academics

#### **C. Parental Notification**

Parents/Guardians will be notified at least ten (10) days before a school intends to administer a non-academic survey. Included in the notice will be information regarding the purpose of the non-academic survey, how the survey will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey. Parents or guardians wishing to inspect a non-academic survey will be able to do so. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. Parents may refuse to give consent for their student to participate, with or without first reviewing the non-academic survey. The school will not penalize students whose parents/guardians decline to provide written consent. The school will take reasonable precautions to protect student privacy during their participation in any non-academic survey. The District will, at all times, comply with state and federal privacy laws, including but not limited to FERPA, as well as District policies with respect to student privacy.

#### **D. Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention**

The District does not require prior written consent from a parent or guardian for administration of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention. The District shall provide parents and guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. The school district shall make it available, at the school or on the school or school district's website for review by parents or legal guardians at least 10 days prior to distribution to students. Parents or guardians may opt their student out of participating in the Youth Risk Behavior Survey by providing the Principal with written notice. District staff administering the Youth Risk Behavior survey shall ensure students understand that participation is voluntary and that students who opt-out will not be penalized.

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**(continued)**

**E. Federal Exception**

Non-academic surveys which do not require consent and notice under New Hampshire law might otherwise require notice and consent under the federal law. However, the federal requirement exempts 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 the following:

- a) College or post-secondary 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 schools;
- d) Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistical data for educational purposes;
- e) The sale of products or services to raise funds for school-related or education-related activities; and
- f) Student recognition programs.

This exception only applies if the non-academic survey is otherwise exempt under New Hampshire law.

**Legal Reference:**

20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment  
RSA 186:11, IX-d  
Appendix ILD-R

1<sup>st</sup> Reading: March 5, 2018  
2<sup>nd</sup> Review: April 2, 2018  
Adoption: April 16, 2018

**Policy Revision**

1<sup>st</sup> Reading: April 3, 2023  
2<sup>nd</sup> Review: April 17, 2023  
Revised: April 17, 2023