

NON-EDUCATIONAL SURVEYS AND QUESTIONNAIRES

Separate federal and state laws require that written consent be obtained from a parent or guardian before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student's academics.

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

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student or the 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; 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).

State law, RSA 186:11, IX-d, imposes the prior written consent requirement on questionnaires, or other documents designed to elicit information about:

1. A student's 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.

School District Approval

For the purpose of this policy, "non-academic survey" shall include a survey, analysis, or evaluation which seeks any information in the categories listed above. All non-academic surveys must have the prior approval of the Superintendent or his/her designee.

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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.

No questionnaire or survey requesting sexual information 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.

Parental Notification

Prior written consent from a parent or legal guardian is required to administer a non-academic survey to a student, unless the student is an adult or an emancipated minor who consents. Parents/Guardians will be notified at least ten (10) days prior to administration when 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 in the administrative office. 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.

Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention

State law 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. Guidance issued by the Centers for Disease Control, United States Department of Health and Human Services, concludes that federal law, including the Protection of Pupil Rights Amendment, also does not require prior written consent from parents or guardians because students are not required to participate and the survey is not paid for by the United States Department of Education. As required by both New Hampshire and federal law, the District shall provide parents and guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. Parents may inspect the Youth Risk Behavior Survey at the school's administrative office. 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 insure students understand that participation is voluntary and that students who opt-out will not be penalized.

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(continued)

Legal Reference:

20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment
RSA 186:11, IX-d
2017 CDC YRBS Guidance Manual
Appendix ILD-R

NHSBA note, September 2017: The adoption of Senate Bill 43 by the Legislature in 2017 added a requirement for prior written consent from a parent or guardian before a non-academic survey can be administered. As a result, state law, RSA 186:11, IX-d, requirements are nearly identical to the requirements of the federal Protection of Pupil Rights Amendment. This update, therefore, combines sample policy ILD, Educational Questionnaires, Surveys, and Research with sample policy ILDA, Non-Educational Questionnaires, Surveys, and Research.

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