STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC:	Proposed Amendment to Policy 7-61.1: Administration of Surveys and Questionnaires	**ITEM NO:**	13B
PREPARED BY:	André A. Nougaret, Interim Superintendent Daryl A. Nelson, DAN Executive Director of Administrative & Legal Services	**MEETING:** **MEETING:** **ACTION DATE:**	September 12, 2006 August 22, 2006 September 12, 2006

ACTION REQUESTED BY THE SUPERINTENDENT:

That the School Board adopt the attached proposed Policy 7-61.1, Administration of Surveys and Questionnaires.

KEY POINTS:

The Federal Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h, requires that school divisions adopt a policy which affords parents and adult students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. The attached proposed Policy 7-61.1, Administration of Surveys and Questionnaires, incorporates that language suggested by the Virginia School Board Association.

The proposed policy requires that parental consent first be obtained prior to a student being required to submit to a survey that concerns subject matter protected by the PPEA if the survey is funded in any degree by a program of the U.S. Department of Education. Protected subject matter are set forth in section A 2 of the policy and include topics such as: political affiliations or beliefs of the student or parent; sex behavior or attitudes; religious practices; etc.

The policy further provides that the parent shall be provided notice of such survey and of the right to opt the student out as well as to inspect upon request such survey instruments.

Parents and students presently are provided annual notice of PPRA and its requirements in the Student Code of Conduct.

SCHOOL BOARD GOAL: (Goal 7) Provide school environments where teachers are safe to teach and students are safe to learn.

FUNDING SOURCE: N/A

AUTHORIZATION REFERENCE: Bylaw 1-32, Policy Adoption, Amendment and Suspension

Administration of Surveys and Questionnaires

A. Instructional Materials and Surveys

1. Inspection of Instructional Materials

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used as part of the educational curriculum for a student or which will be used in connection with any survey, analysis, or evaluation as part of any federally funded program shall be available for inspection by the parents or guardians of the student in accordance with Virginia's Freedom of Information Act.

2. Participation in Surveys and Evaluations

No student shall be required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveal information concerning

(a) political affiliations or beliefs of the student or the student's parent,
(b) mental or psychological problems of the student or the student's family,
(c) sex behavior or attitudes,
(d) illegal, anti-social, self-incriminating, or demeaning behavior,
(e) critical appraisals of other individuals with whom respondents have close family relationships,
(f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
(g) religious practices, affiliations, or beliefs of the student or the student's parent, or
(h) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

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.

3. Additional Protections

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A parent or emancipated student may, upon request, inspect any instructional material used as part of the educational curriculum of the student and any survey created by a third party before the survey is administered or distributed to a student. Any inspection shall be in accordance with Virginia's Freedom of Information Act.

In addition, in the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection A.2. above, the privacy of students to whom the survey is administered will be reasonably protected. Any individual or group conducting a survey or evaluation will refrain from including any information that would reveal the identity of any student participant in any reports generated as a result of the survey or evaluation to include the use of student names or any other descriptive information (i.e. demographics) that could be used in identifying participants.

B. Physical Examinations and Screenings

If the Stafford County Public Schools administers any physical examinations or screenings other than

- those required by Virginia law, and
- surveys administered to a student in accordance with the Individuals with Disabilities Education Act,

policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

C. Commercial Use of Information

Questionnaires and surveys shall not be administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing,

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evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary schools;
- 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;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

D. Notification

1. Notification of Policies

The Board shall provide notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The Board will also offer an opportunity for the parent (or emancipated student) to opt the student out of participation in

- 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);
- the administration of any survey containing one or more items listed in subsection A.2. above; or

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- 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 of other students.

2. Notification of Specific Events

The Board will directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- 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);
- the administration of any survey containing one or more items listed in subsection A.2. above;
- 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 of other students.

E. Definitions

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

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Invasive physical examination: the term "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.

Parent: the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare or the child).

Personal information: the term "personal information" means individually identifiable information including

- a student or parent'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.

Survey: the term "survey" includes an evaluation.

Legal Reference: Through June 30, 2007

20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, § 22.1-79.3.

Adopted by School Board:

Board Review:
Staff Review:
Responsible Department: Instruction