

5.24 STUDENT PARTICIPATION IN SURVEYS - School Board Policy — *Survey Form in the tear-out section*

No student shall be required to submit to a survey, analysis, or evaluation that is administered or distributed by a school, and is funded in whole or in part by any program administered by the U.S. Department of Education without the prior written consent of the student's parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis that reveals information concerning the following:

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or the student's family
3. sex 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 parents, legal guardians, persons having lawful control of the student, or a person standing in loco parentis; 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).

No surveys, analyses, or evaluations shall be administered without the prior approval of the school principal.

The school shall take reasonable precautions to protect students' privacy during their participation in the administration of any survey, analysis, or evaluation containing one or more of the eight (8) categories listed above.

Any survey created by a third party, or funded, in whole or in part, as part of any U.S. Department of Education administered program, containing one or more of the eight (8) categories listed above shall be available to be inspected by a student's parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis before the survey is administered or distributed by a school to a student.

Parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis wishing to inspect a survey, analysis, or evaluation shall be able to do so in the administrative office of the administering school where the survey, analysis, or evaluation shall be available for inspection for a period of ten (10)¹ business days after the notice of intent to administer the survey, analysis, or evaluation is sent. The notice shall include information regarding how the survey, analysis, or evaluation will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey, analysis, or evaluation. Parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis may refuse to allow their student to participate before or after reviewing the survey, analysis, or evaluation. The school shall not penalize or otherwise retaliate against a student whose Parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis exercised their right to refuse to allow their student to participate in the survey, analysis, or evaluation.

The above requirements of this policy do not apply to a survey administered to a student by the Individuals with Disabilities Education Act (IDEA).

Except for assessments mandated by State or Federal law; State Rule; or Federal regulation and standardized scholastic achievement tests, prior written permission from a student's parents, legal guardians, persons having lawful control of the student, or person standing in loco parentis is required before any survey, analysis, or evaluation is administered to a student if the survey, analysis, or evaluation:

- A. Responses are to be provided to a person or entity other than another public school, school district, or any branch of the Federal Government; and

- B. Requests or requires a student to provide any of the eight (8) categories of information listed above; and/or
- C. Requests or requires a student to provide any of the following:
- A student's name;
 - The name of the student's parents, legal guardians, persons having lawful control of the student, person standing in loco parentis, or other member of the student's family;
 - The address, telephone number, or email address of a student or a member of a student's family;
 - A personal identification number, such as a social security number, driver's license number, or student identification number of a student or a member of the student's family;
 - Any information, the disclosure of which is regulated or prohibited by any other State or federal law, State rule, or Federal regulation.

The rights provided to parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis under this policy transfer to the student upon the student's eighteenth (18th) birthday.

Legal Reference: 20USC § ACA § 6-18-1301 et seq.
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