

Students

Student Surveys

I. Purpose

This policy establishes the parameters of information that may be sought in student surveys.

II. General Statement of Policy

Student surveys may be conducted, as determined necessary, by the school district or other governmental entities to obtain student opinions and information about students. The superintendent or designee may refuse to permit a survey to be conducted based on the alignment of the survey to the mission of the district and the impact the administration of the survey would have on the students' instructional day. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education will comply with federal law.

III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. "Instructional material" means instructional content that is provided to a student, regardless of 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.
- B. "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.
- C. "Parent" means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the student lives, or a person who is legally responsible for the welfare of the student.
- D. "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.

IV. Student Surveys in General

- A. Student surveys will be conducted anonymously, unless the parents of the students are notified in writing that the student survey responses are to be identified with the students' names, and the parents are provided the opportunity to opt out of the survey. There will be no requirement that the student return the survey, and no record of the student returning a survey will be maintained.
- B. Surveys containing questions pertaining to the student's or the student's parent(s)' personal beliefs or practices in sex, family life, morality, and religion will not be administered to any student unless the parent of the student is notified in writing that such survey is to be administered and the parent of the student gives written permission for the student to participate or the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.
- C. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in their responses to a survey, the district will take appropriate steps to ensure the data is protected in accordance with federal and state law.
- D. The district will inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents/guardians reasonable notice of planned surveys scheduled after the start of the school year. The district will give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, email, or another direct form of communication.
- E. The district will give parents the opportunity to review the survey and to opt their students out of participating in the survey.
- F. The district will not impose an academic or other penalty on a student who opts out of participating in a student survey.

-IV. Student Surveys Conducted as Part of U.S. Department of Education Program

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, will be available for inspection by the parents of

the students.

- B. No student will be required, as part of any program funded in whole or in part by the U.S. Department of Education, 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, to submit to a survey, analysis, or evaluation that reveals information concerning:
 - 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. Sex behavior or attitudes;
 - 4. Illegal, antisocial, self-incriminating, 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).
- C. If a survey or evaluation is funded in whole or in part by the U.S. Department of Education, the district will develop local policies consistent with Sections V.A. and V.B. concerning student privacy, parental access to information, and administration of certain physical examinations to minors.
 - 1. The following policies are to be adopted in consultation with parents:
 - a. The right of a parent of a student to inspect, upon request of the parent, a survey, including an evaluation, created by a third party before the survey is administered or distributed by the district to a student, including any applicable procedures for granting a parent's request for reasonable access to such survey within a reasonable period of time after the request is received.
 - b. Arrangements to protect student privacy in the event of the administration or distribution of a survey to a student, including an evaluation, to a student which contains one (1) or more of the items listed in Section V.B., including the right of a parent of a student to inspect, upon request of the parent, any such survey.

- c. The right of a parent of a student to inspect, upon request of the parent, any instructional material used as part of the educational curriculum for the student and any applicable procedures for granting a request by a parent for such reasonable access to instructional material within a reasonable period of time after the request is received.
- d. The administration of physical examinations or screenings that the district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act.
- e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the district in the event of such collection, disclosure, or use.
 - (1) This provision does not apply to 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:
 - (a) college or other postsecondary 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 elementary or secondary schools;
 - (d) tests and assessments used by elementary or 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;
 - (e) the sale by students of products or services to raise funds for school-related or education-related activities; and
 - (f) student recognition programs.
 - (2) The right of a parent to inspect, on request, any instrument used in the collection of information, as described in Subsection

V.C.1.e., before the instrument is administered or distributed to a student and procedures for granting a request by a parent for reasonable access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Subsection V.C.1. will provide for reasonable notice of the adoption or continued use of such policies directly to parents of students enrolled in or served by the district.
 - a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.
 - b. The notice will provide parents with an opportunity to opt out of participation in the following activities:
 - (1) 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.
 - (2) The administration of any third-party survey (not funded by the Department of Education) containing one or more of the items contained in Section V.B.
 - (3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the district and scheduled by the district in advance, and not necessary to protect the immediate health and safety of the student or other students.
 - c. The notice will advise students of the specific or approximate dates during the school year when the activities in Subsection V.C.2.b. are scheduled or expected to be scheduled.
 - d. The notice provisions will not be construed to preempt applicable provisions of state law that require parental notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental notification.

VI. Notice

- A. The school district will give parents and students direct notice of this policy at the beginning of each school year and after making substantive changes to this policy.

- B. The district will inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents reasonable notice of planned surveys scheduled after the start of the school year. The district will give parents direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.
- C. The district will give parents the opportunity to review the survey and to opt their students out of participating in the survey.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. § 1232h (Protection of Pupil Rights)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Act)
34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations)
Gonzaga University v. Doe, 536 U.S. 273, 122 S. Ct. 2268, 153 L. Ed. 2d 309 (2002)
C.N. v. Ridgewood Bd. of Educ., 430 F.3d. 159 (3rd Cir. 2005)
Fields v. Palmdale School Dist., 427 F.3d. 1197 (9th Cir. 2005)

Cross References:

Policy 515 (Protection and Privacy of Student Records)
Policy 521 (Student Disability Nondiscrimination Under Section 504 of the Rehabilitation Act)
Policy 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)

Policy

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