

9560 ADMINISTRATION OF SCHOOL SURVEYS

~~The Board of Education believes the administration of school surveys may be necessary and valuable to the educational program in the school district. The Board recognizes certain student information is personal and some students or parents may not want this information shared with the school district. Therefore, the Board shall ensure school surveys are administered in accordance with N.J.S.A. 18A:36-34 and 18A:36-34.1 and this Policy.~~

~~The Protection of Pupil Rights Amendment (PPRA) requires written consent for certain student surveys, analysis and/or evaluations funded in whole or in part by a program of the United States Department of Education. The district will comply with the PPRA consent requirements and Policy 2415.05 for certain student surveys, analysis, and/or evaluations.~~

A. School Surveys, Certain, Parental Consent Required Before Administration – N.J.S.A. 18A:36-34

~~The district will also comply with the requirements of 34 CFR Part 98—Student Rights in Research, Experimental Programs and Testing for certain programs administered by the Secretary of the United States Department of Education:~~

- ~~1. Instructional material used in connection with any research or experimentation program and project shall be made available for inspection by parents/legal guardians of students engaged in such program or project in accordance with the requirements of 34 CFR Part 98.3.~~
- ~~2. Prior written parental/legal guardian consent is required for any surveys, analysis, and/or evaluations that involve psychiatric or psychological examination, testing, or treatment; if the primary purpose is to reveal information as specified in 34 CFR Part 98.4(a)(1):~~
 - ~~a. Psychiatric or psychological examination or test means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings.~~
 - ~~b. Psychiatric or psychological treatment means an activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.~~



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~~1. Unless the school district receives prior written informed consent from a student's parent and provides for a copy of the document to be available for viewing at convenient locations and time periods, the school district shall not administer to a student. However, academic and nonacademic surveys, assessments, analyses, and/or evaluations may be administered to students for programs or activities that are not funded in whole or in part by a program of the United States Department of Education and/or programs not administered by the Secretary of the United States Department of Education as defined in 34 CFR Part 98.1. In accordance with N.J.S.A. 18A:36-34, the district shall receive prior written informed consent from a student's parent or legal guardian before administering these academic and nonacademic surveys, assessments, analyses, and/or evaluations that which reveal information concerning:~~

- ~~1a.~~ Political affiliations;
- ~~2b.~~ Mental or psychological problems potentially embarrassing to the student or the student's family;
- ~~3c.~~ Sexual behavior and attitudes;
- ~~4d.~~ Illegal, anti-social, self-incriminating or demeaning behavior;
- ~~5e.~~ Critical appraisals of other individuals with whom a respondent has a close family relationship;
- ~~6f.~~ Legally recognized privileged or analogous relationships, such as lawyers, physicians, and ministers;
- ~~7g.~~ Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program;
- ~~8h.~~ Social security number; or
- ~~9.~~ Religious practices, affiliations, or beliefs of the student or parent(s) or legal guardian(s).

~~2. The school district shall request prior written informed consent at least two weeks prior to the administration of the survey, assessment, analysis, or evaluation.~~

~~3. A student shall not participate in any survey, assessment, analysis, or evaluation that concerns the issues listed in A.1. above and N.J.S.A.~~

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18A:36-34.a. unless the school district has obtained prior written informed consent from the student's parent.

B. Voluntary Survey for Students with Prior Parental Written Notification – N.J.S.A. 18A:36-34.1

1. In accordance with N.J.S.A. 18A:36-34.1 and notwithstanding, N.J.S.A. 18A:36-34 and A. above, or any other law, rule, or regulation to the contrary, if the school district sends prior written notification to the parent of the student, the school district may administer an anonymous, voluntary survey, assessment, analysis, or evaluation to the student which reveals information concerning any of the following issues:

- a. Use of alcohol, tobacco, drugs, and vaping;
- b. Sexual behavior and attitudes;
- c. Behaviors that may contribute to intentional or unintentional injuries or violence; or
- d. Physical activity and nutrition-related behaviors.

2. Written notification provided by the school district to the parent of the student shall be delivered to the parent by regular mail, electronic mail, or a written acknowledgement form to be delivered by the student at least two weeks prior to administration of the survey, assessment, analysis, or evaluation. Written notification shall contain, at minimum, the following information:

- a. A description of the survey, assessment, analysis, or evaluation;
- b. The purpose for which the survey, assessment, analysis, or evaluation is needed;
- c. The entities and persons that will have access to the information generated by the survey, assessment, analysis, or evaluation;
- d. Specific instruction as to when and where the survey, assessment, analysis, or evaluation will be available for parental review prior to its administration;



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- e. The method by which the parent can deny permission to administer the survey, assessment, analysis, or evaluation to the student; a form specifically providing for such denial shall be included with this notice;
- f. The names and contact information of persons to whom questions can be directed; and
- g. A statement advising that failure to respond indicates approval of participation in the survey, assessment, analysis, or evaluation.
- 3. Information obtained through a survey, assessment, analysis, or evaluation administered to a student in accordance with N.J.S.A. 18A:36-34.1 and B. above, shall be submitted to the New Jersey Department of Education and the New Jersey Department of Health. Information may be used to develop public health initiatives and prevention programs. Information shall not be used for marketing or other commercial purposes that are not related to student health.
- C. Violations – N.J.S.A. 18A:36-34.d.
- A violation by the school district of N.J.S.A. 18A:36-34; 18A:36-34.1, and this Policy shall be subject to such monetary penalties as determined by the New Jersey Commissioner of Education.
- D. Compliance with Federal Law
- In addition to compliance with the provisions of N.J.S.A. 18A:36-34, 18A:36-34.1, and this Policy, the Superintendent or designee shall ensure compliance with the provisions of Policy 2415.05 – Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment before students are required to participate in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or part by a program of the United States Department of Education that concerns one or more of the areas outlined in Policy 2415.05.
- ~~When administering an academic and/or nonacademic survey, assessment, analysis, and/or evaluation that concerns the issues listed in 1. through 9. above, the District shall request written informed consent at least two weeks prior to the administration of the survey. The request for consent shall provide the parent/legal guardian the opportunity to view a copy of the document at a convenient location and time. The student shall not participate in the~~



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~~administration of the academic and/or nonacademic surveys, assessments, analyses, and/or evaluations if the requested written informed consent is not obtained.~~

N.J.S.A. 18A:36-34 34; 18A:36-34.1

~~CFR Part 98~~

Adopted: 13 June 2019

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Second Reading:

Revised:

