

ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

I. Instructional Materials and Surveys

1. Inspection of Materials Associated with Survey and Questionnaires

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 federally funded program are available for inspection by the parents or guardians of the student in accordance with Policy KBA, *Requests for Public Records*.

2. Participation in Surveys and Evaluations

No student is required, as part of any federally funded program, 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 or psychological problems of the student or the student's family,
- (3) sex activities,
- (4) illegal, anti-social, 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 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), 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. Surveys Requesting Sensitive Student Information

In any case in which a questionnaire or survey requesting that students provide sexual activity information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code §32.1-73.8, other information on controlled substance use, or any other information that the School Board deems to be sensitive in nature is to be administered, the School Board notifies the parent concerning the administration of such questionnaire or survey in writing at least thirty (30) days prior to its administration. The parent or guardian has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent or guardian and exempt the child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey do not disclose personally identifiable information.

No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.

4. Additional Protections

In the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.2. above, the privacy of students to whom the survey is administered is protected by:

1. administering the survey anonymously or confidentially,
2. storing data locally, and with minimal access to the raw data,
3. presenting the data in aggregate, and following HIPPA guidelines regarding individual identifiability.

II. Physical Examinations and Screenings

If the Albemarle County School Division 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.

III. Commercial Use of Information

Written, informed parental consent will be required when student participation in a 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, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- 1) college or other postsecondary education recruitment, or military recruitment;
- 2) book clubs, magazines, and programs providing access to low-cost literary products;
- 3) curriculum and instructional materials used by elementary schools and secondary schools;
- 4) 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;
- 5) the sale by students of products or services to raise funds for school-related or education-related activities; and
- 6) student recognition programs.

IV. Notification

Notification of Policies

The Board offers an opportunity for the parent or guardian (or emancipated student) to opt the student out of participation in:

- 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 survey containing one or more items listed in subsection I.B. above; or
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
- 3) not necessary to protect the immediate health and safety of the student, or of other students.

Notification of Specific Events

The school directly notifies the parent or guardian of a student, at least thirty (30) days before any of the following activities are scheduled, or expected to be scheduled:

- 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 survey containing one or more items listed in subsection I.B. above; or
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
- 3) not necessary to protect the immediate health and safety of the student, or of other students.

V. 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

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 of the child).

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

- 1) a student or parent's first and last name;
- 2) a home or other physical address (including street name and the name of the city or town);
- 3) a telephone number; or
- 4) a Social Security identification number.

Survey: the term "survey" includes an evaluation.

Adopted: January 8, 2004
Amended: September 6, 2007; November 8, 2012; March 12, 2015; February 24, 2022
Equity Review: February 24, 2022

Legal Refs.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, § 22.1-79.3, 32.1-73.8

Cross Refs.: IFB, *Research Projects and Pilot Program*
INB, *Teaching About Controversial Issues*
JHDA, *Human Research*
KBA, *Requests for Public Records*
KF, *Distribution of Materials by School Sponsored, Governmental, or Outside Organizations*