

Policy #: 520
Title: PARTICIPATION IN RESEARCH PROJECTS AND STUDENT SURVEYS
Date of Initial Approval: 06-12-2018
Revision/Re-authorization Dates:
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

Occasionally, the Minnesota State Academies may wish to utilize surveys to obtain opinions, feedback, and/or collect information about students. MSA also participates in some research studies which may incorporate surveys and/or other means of gathering information. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

II. GENERAL STATEMENT OF POLICY

Student surveys and research projects must be approved by the Superintendent based on recommendations from the Directors (Instructional Leadership Team). Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

III. STUDENT SURVEYS IN GENERAL

- A. Student surveys will be conducted to ensure compliance with Minnesota Data Privacy Laws. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99. Identifying information will be removed before sharing summaries and/or results. Depending on the purpose of the survey, surveys may be completed anonymously and have no requirement for any personal identifying information.
- B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or has the opportunity to opt out of the survey. 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.

- D. The school district must not impose an academic or other penalty on a student who opts out of participating in a student survey.
- E. During events hosted by other organizations or agencies, MSA employees must ensure that students do not participate in surveys or research projects without obtaining parental permission. Students who have reached the age of majority may participate in those surveys.

IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM AND/OR RESEARCH PROJECTS

- A. Any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students. Research Projects that involve surveying and/or collection of information from students must include parental permission prior to implementation of the project.
- B. No student shall 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 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. As part of this policy, MSA has established the following expectations for surveys approved by the Department of Education and/or University research projects.
 - 1. The right of a parent to request access to the survey, including evaluation methods, assessment tools, and/or instructional materials prior to the administration of the survey, including granting parent requests for reasonable access within a reasonable period of time.
 - "Parent" means a legal guardian or another person acting *in loco parentis* (in place of a parent), such as a grandparent or

- stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.
2. Student privacy will be protected in the event of the administration or distribution of a survey, including an evaluation, to a student which contains one or more of the items listed in Section IV.B., above.
 3. Surveys and/or research projects will not include administration of physical examinations or screenings that MSA 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 (20 U.S.C. § 1400, *et seq.*).
 4. MSA will not collect, disclose, or use 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).
 - “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.
 - 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:
 - college or other postsecondary education recruitment and/or
 - 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.

V. NOTICE

- A. This policy serves as reasonable notice of the adoption or continued use of surveys and/or research to parents of students enrolled in or served by MSA.
 1. If there is any substantive change in this policy, an updated notice must be shared with parents within a reasonable period of time.
 2. The notice will provide parents with an opportunity to opt out of participation in the survey or research project. The notice provisions shall 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.

- B. The school district must inform parents at the beginning of the school year if the district or school has identified specific or approximate dates for

administering surveys and/or research and give parents reasonable notice of planned surveys scheduled after the start of the school year. The school district must give parents direct, timely notice when their students are scheduled to participate in a student survey and offer the option of opting out of such surveys/research.

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)

34 C.F.R. Part 99 (Family Educational Rights and Privacy Act Regulations)