

## 9560 ADMINISTRATION OF SCHOOL SURVEYS

The Protection of Pupil Rights Amendment (PPRA) requires written consent for certain pupil 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 pupil surveys, analysis, and/or evaluations.

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 pupils 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. A pupil's decision to not attend a formal Board hearing should be in writing and signed by both the pupil and parent/legal guardian. The signatures should be witnessed.
  - b. A pupil who does not avail himself/herself of the opportunity to a formal hearing will be construed to have waived his/her right to the hearing. Constructive waiver will not be presumed before the passage of a considerable period of time, to be determined on a case-by-case basis, since it operates to foreclose the pupil's rights.

However, academic and nonacademic surveys, assessments, analyses, and/or evaluations may be administered to pupils 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 pupil's parent or legal guardian before administering these academic and nonacademic surveys, assessments, analyses, and/or evaluations that reveal information concerning:

1. Political affiliations;

2. Mental or psychological problems potentially embarrassing to the pupil or the pupil's family;
3. Sexual behavior and attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom a respondent has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as lawyers, physicians, and ministers;
7. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; and
8. Social security number.

When administering an academic and/or nonacademic survey, assessment, analysis, and/or evaluation that concern the issues listed in 1. through 8. above, the Superintendent 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 pupil shall not participate in the 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 CFR Part 98

Adopted: 6-30-08