

## STUDENT SERVICES

File: KFB-R

### ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

#### I. Definitions for this Regulation

1. 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.
2. 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

#### II. Instructional Materials and Surveys

1. In accordance with policies KBA (Requests for Information) and IFB (Pilot, Research or Experimental Projects), parents shall have the right to review or examine any instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used as part of the educational curriculum for a student or which will be used in connection with any survey, analysis, or evaluation as part of any federally funded program.
2. Any parent who wants to review the materials or survey described above shall contact the principal of the school to request the review. The principal may ask that the request be made in writing or may ask the parent to sign a document specifying the materials requested for review.
3. No assessment materials may be requested for review prior to an assessment. Standardized testing materials shall not be allowed for review at any time.
4. No student shall be required to participate in any survey or evaluation that is partially or totally funded federally when the content covers one of the eight protected areas as defined in Policy KFB.

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5. For any survey or questionnaire seeking sexual information from students, including the Youth Health Risk Behavior Survey, parents shall be notified at least 30 days prior to the survey or questionnaire by the survey administrator or the school principal.
6. The notification shall provide information about the type and purpose of the questions with procedures to review the survey or questionnaire and exempt the student from participation.
7. No survey with questions regarding sexual information shall be administered to students in kindergarten through sixth grade unless required by state or federal law.
8. If a survey is administered as cited in Items 5 or 7, no personally, identifiable information shall be used.

### III. Physical Examinations and Screenings

1. No physical examinations or screenings, except those required by Virginia law or as part of an evaluation for special education services, shall be allowed.

### IV: Commercial Use of Information

1. Questionnaires and surveys shall not be administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.
2. Exceptions to Item 1 include 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:
  - college or other postsecondary education recruitment, or military recruitment;
  - book clubs, magazines, and programs providing access to low-cost literary products;
  - curriculum and instructional materials used by elementary schools and secondary schools;

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- 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;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

### V. Notifications

1. Annually, in the Parent Handbook, parents shall receive Policy KFB which describes the rights for participation or exemption surveys and questionnaires described in this regulation.
2. Parents shall also receive the required parental notification from the No Child Left Behind Act which describes all rights of exemption from surveys concerning the eight protected areas described in Policy KFB.
3. As a part of the notification regarding surveys, the projected schedule of events below will be provided:
  - 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);
  - the administration of any survey containing one or more items listed in the protected areas in Policy KFB.
  - 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
  - not necessary to protect the immediate health and safety of the student, or of other students.

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Legal References: 20 U.S.C. § 1232h.  
Code of Virginia, 1950, as amended, § 22.1-79.3.

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Cross References: IFB Pilot, Research or Experimental Projects  
JHDA Human Research  
KBA Requests for Information  
KF Distribution of Information/Material  
LE Relations with Colleges and Universities