

Adopted: 8.19.25

Reviewed:

Student Surveys Policy - 520

I. PURPOSE

Occasionally, Swan River Montessori Charter School utilizes surveys to obtain student opinions and information about students. 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 may be conducted as determined necessary by Swan River Montessori Charter School. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 United States Code section 1232h.

III. STUDENT SURVEYS IN GENERAL

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way.
- B. No attempt will be made in any way to identify a student survey participant.
- C. No requirement that the student return the survey shall exist, and no record of the student returning a survey will be maintained.
- D. The Executive Director 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.
- E. 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 is notified in writing and provides written permission for participation, or has the opportunity to opt out, depending on how the survey is funded.

- F. Any documents containing the written permission of a parent for a student to participate will be maintained by SRMCS in a file separate from survey responses.
- G. Although surveys are conducted anonymously, personally identifiable information could be provided in responses. SRMCS will take steps to ensure such data is protected under 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.
- H. SRMCS shall not impose an academic or other penalty on a student who opts out of participating in a survey.

IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

- A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary materials used in connection with any survey, analysis, or evaluation as part of any U.S. Department of Education program, shall be available for inspection by parents or guardians.
- B. No student shall be required, as part of such a program, without prior written consent (from the student if adult/emancipated, or from the parent if a minor), to submit to a survey that reveals:
 - 1. Political affiliations or beliefs of the student or parent.
 - 2. Mental or psychological problems of the student or family.
 - 3. Sex behavior or attitudes.
 - 4. Illegal, antisocial, self-incriminating, or demeaning behavior.
 - 5. Critical appraisals of close family relationships.
 - 6. Legally recognized privileged relationships (lawyers, physicians, ministers).

7. Religious practices, affiliations, or beliefs.
8. Income (except as required by law for program eligibility).

- C. When SRMCS receives funds under any U.S. Department of Education program, it will develop local policies consistent with IV.A and IV.B concerning student privacy, parental access to information, and administration of certain physical examinations to minors.

V. Policies Developed in Consultation with Parents Will Address:

- A. The right of a parent to inspect, on request, a survey (including evaluations created by a third party) before administration, and the procedures for providing access within a reasonable time.
- B. Arrangements to protect student privacy during surveys that include any topics listed in IV.
- C. The right of a parent to inspect instructional materials used as part of the educational curriculum, excluding academic tests or assessments.
- D. The administration of physical examinations or screenings that SRMCS may conduct.
- E. The collection, disclosure, or use of personal information for marketing or selling, and arrangements to protect student privacy in such cases.
“Personal information” includes a student or parent’s full name, address, phone number, or Social Security number. Exceptions include data collected for educational purposes such as college recruitment, instructional materials, tests, fundraising, or student recognition programs.
- F. The right of a parent to inspect any instrument used to collect personal information before administration.

VI. Notice Requirements

- A. Parents will receive annual notice at the start of the school year and after substantive policy changes.
- B. Parents will have the opportunity to opt out of:
 - Collection/disclosure/use of personal information for marketing or selling.
 - Administration of any third-party survey containing topics listed in IV.B.
 - Any nonemergency, invasive physical examination or screening not necessary to protect health/safety.
- C. “Invasive physical examination” means any medical exam involving exposure of private body parts or insertion/incision, excluding vision, hearing, or scoliosis screenings.

VII. NOTICE

- A. SRMCS will inform parents at the start of the school year of any scheduled surveys and give reasonable notice of new surveys scheduled after the school year begins.
- B. SRMCS will provide direct, timely notice (mail, email, or other direct communication) when students are scheduled to participate in a survey.
- C. SRMCS will give parents the opportunity to review the survey and opt their student out of participation.

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. § 99 (FERPA Regulations)
- *Gonzaga University v. Doe*, 536 U.S. 273 (2002)

- *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159 (3d Cir. 2005)
- *Fields v. Palmdale School Dist.*, 427 F.3d 1197 (9th Cir. 2005)

Cross References:

- MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
- MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
- MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedure and Process)