

Student Data Privacy Act as Amended in 2022

“The bill adds requirements for the administration of nonacademic surveys, including tests, questionnaires, and examinations in schools. The bill applies such requirements to any survey administered during the school day that contains questions about the personal and private attitudes, values, beliefs, or practices of the student or any of the student’s family, friends, or peers. The bill requires the school to provide written notification prior to the administration of any such survey to the parent or guardian no more than four months in advance of the administration of the survey. The bill requires the written parental notification to include the following information:”

- **A copy of the survey;**
- **Information on how the parent can provide written consent for the student to participate;**
- **The name of the company or entity that produces or provides the survey; and**
- **Whether the school will receive or maintain the resulting data and how the school will use such data.**

“The bill provides that a parent’s written consent can only be accepted by a school after the parent receives the required notification and has had an opportunity to review the information in such notification. A separate notification is required for each survey, and the parent’s written consent is required upon each notification for a student to participate. If a parent provides written consent, the bill requires a student to be informed the student has the right to refuse to take such survey and not suffer any adverse consequences for the decision.”

“The bill requires each school to post and maintain copies of each survey that is administered in the school district. The bill requires copies to be posted on the school district website and updated as necessary. The bill also provides that no such survey shall be incorporated or embedded in any academic program, course, or curriculum offered or provided by a school district. The bill prohibits the collection of any personally identifiable student data on any such survey.”

