

**Conducting the Prevention Needs Assessment Survey and the Youth Risk Behavioral Survey with Passive Parental Consent \***

In response to the request made by the Wyoming Safe and Drug Free Schools Advisory Council, a fact sheet has been composed to support the ability of districts to conduct the Prevention Needs Assessment (PNA) survey and the Youth Risk Behavioral Survey (YRBS) with passive consent. This fact sheet addresses the federal legislation on parent permission for a school-based survey. It also relays that the surveys **do not** violate the Family Educational Rights and Protections Act (FERPA). Active assent is needed for a survey when **all** of the following items occur: the survey is developed or administered using U.S. Department of Education money, the survey requires student participation, and it includes one or more of the categories from the Protection of Pupil Rights Amendment. Since the YRBS and PNA are not federally funded by the U.S. Department of Education and do not require student participation (participation is voluntary), then **active consent is not required for either survey.**

Federal Legislation on Parent Permission for School-Based Surveys					
Name	Citation	Enacted	Details	Impact on PNA	Impact on YRBS
Family Privacy Protection Act of 1995	H.R. 1271, 104 <sup>th</sup> Congress 2 <sup>nd</sup> Session (1996).	<b>Not enacted</b>	This amendment would have required written parental permission before a minor could be asked about sensitive questions in any program or activity funded by the federal government.	<b>None.</b>	<b>None.</b>
Protection of Pupil Rights Amendment (a.k.a. the Hatch Amendment or Grassley Amendment)	Goals 2000: Education America Act, Public Law No. 103-227 §1017, 108 Stat. 125 (1994).	1994	This requires written consent for <u>required</u> surveys funded by the U.S. Department of Education on seven topics. The topics are political affiliation or beliefs; mental or psychological problems; sexual behaviors or attitudes; illegal, anti-social, self-incriminating, or demeaning behaviors; close family relationships; legally recognized privileged relationships; and income.	<b>None.</b> The PNA is not a required survey and is not funded by the U.S. Department of Education. The PNA is strictly voluntary. Parents can “opt” their child out of the survey, and students can choose not to participate.	<b>None.</b> The YRBS is not a required survey and is not funded by the U.S. Department of Education. The YRBS is strictly voluntary. Parents can “opt” their child out of the survey, and students can choose not to participate.

Name	Citation	Enacted	Details	Impact on PNA	Impact on YRBS
Protection of Pupil Rights Amendment (a.k.a. the Tiahrt Amendment)	No Child Left Behind Act of 2001, Public Law No. 107-110 §1061, 115 Stat. 2083 (2002).	2002	Reauthorizes PPRA. This adds an additional topic for the requirement of written consent - religious practices. It also adds three new requirements: (1) schools must have a policy to protect student privacy, (2) parents must be able to inspect questionnaire, and (3) parents must be able to “opt the student out.”	<p><b>Some.</b> The PNA survey has protocols in place for all three requirements. (1) The students are advised to <b>not</b> put their name or any other identifying information on the survey. The students will be placed around the classroom such that other students cannot see their responses. The teacher is instructed to stay in the front of the classroom and <b>not</b> walk around the room while students complete the survey. When finished, the students will place their surveys in a common classroom envelope which will be sealed immediately after the survey administration. (2) The parents will be able to view a blank copy of the questionnaire. It is available in each principal’s office and on the internet. (3) Schools will inform parents about the survey and provide a method for parents to "opt" the student out of the survey. This may be done via a school newsletter, letters sent to parents, or any other method chosen by the school. Typically, a consent form will be sent home to the parents approximately two weeks before the administration date. This form will allow the parents to "opt" the student out of the survey.</p>	<p><b>Some.</b> The YRBS survey has protocols in place for all three requirements. (1) The students are advised to <b>not</b> put their name or any other identifying information on the survey. The students will be placed around the classroom such that other students cannot see their responses. The teacher is instructed to stay in the front of the classroom and <b>not</b> walk around the room while students complete the survey. When finished, the students will place their surveys in an envelope and seal it before returning it to their teacher. (2) The parents will be able to view a blank copy of the questionnaire in each principal’s office. (3) Schools will inform parents about the survey and provide a method for parents to ‘opt’ the student out of the survey. This may be done via a school newsletter, letters sent to parents, or any other method chosen by the school.</p>

Name	Citation	Enacted	Details	Impact on PNA	Impact on YRBS
FERPA (a.k.a. Buckley Amendment)	20 U.S.C. § 1232g	1974	<p>This is a federal law that protects the privacy of a student’s educational records. It applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education.</p> <p>The specific concern of this Act was the ability to personally identify the students of the survey. "Personally identifiable information" includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>(a) The student's name;</li> <li>(b) The name of the student's parent or other family member;</li> <li>(c) The address of the student or student's family;</li> <li>(d) A personal identifier, such as the student's Social Security number or student number;</li> <li>(e) A list of personal characteristics that would make the student's identity easily traceable; or</li> <li>(f) Other information that would make the student's identity easily traceable.</li> </ul>	<p><b>Some.</b> The PNA survey does not ask the student for any identifying information. The instructions specifically request the students to <u>not</u> include their name or identifying characteristics on the survey booklet or bubble sheet. The surveys are placed and shipped in a <u>sealed</u> envelope. Upon arriving at WYSAC, the independent contractor for the PNA, the surveys will be scanned and analyzed. The analyzed results will only be released as a compilation and there will not be any capability to connect individual students to the data.</p> <p>To further protect confidentiality, the results are <u>not</u> broken down by gender or ethnicity in the rural schools with small populations of students.</p>	<p><b>Some.</b> The YRBS survey does not ask the student for any identifying information. The instructions specifically request the students to <u>not</u> include their name or identifying characteristics on the survey booklet or bubble sheet. The surveys are placed and shipped in a <u>sealed</u> envelope. The high school level data will be scanned and analyzed by WDE and each report will be developed to ensure confidentiality and anonymity for students. The analyzed results will only be released as a compilation and there will not be any capability to connect individual students to the data.</p> <p>To further protect confidentiality, the results are <u>not</u> broken down by ethnicity or by grade in schools with less than 30 students (or less than 30 survey respondents) in each grade.</p>

\* Form used and modified with permission from the Wyoming Department of Education.