

ANCHORAGE SCHOOL DISTRICT

ANCHORAGE, ALASKA

ASD MEMORANDUM #29 (1999-2000) (REVISED) August 23, 1999

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: POLICY 450: STUDENT SURVEYS (SECOND READING)

RECOMMENDATION:

It is the Administration's recommendation that the School Board approve on Second Reading, the revisions to School Board Policy #450, section D, of the *Student Rights and Responsibilities* document, as shown on Attachment A.

PERTINENT FACTS:

The first session of the 21st Legislature approved House Bill 70 relating to the use of Student Surveys in the public schools of Alaska. This legislation was approved by both houses of the Legislature during the just-completed session, and signed by the Governor on June 22, 1999. The law takes effect on September 20, 1999.

The School Board and the District supported this legislation as it clarified the intent of previous State Law (AS 14.03.110) relating to surveys. The previous law caused difficulties for the District as there were two conflicting Attorney General's opinions as to the legality of using anonymous surveys which inquired into private family affairs without acquiring prior parental consent as required by both state and federal laws relating to privacy.

The Administration and the District's legal counsel felt that the ambiguity caused by the conflicting legal opinions would potentially set the District up for a lawsuit; thus the District did not support the use of surveys such as the Youth Risk Behavior Survey and others of this type without actively soliciting written consent from the parents/legal guardians of the students.

These changes in the law will give the District guidance in using surveys which inquire into personal or private family affairs in the future. Annual and two week advance written notice are now required prior to the use of any surveys which inquire into personal or private family affairs of the student not a matter of public record or subject to public

observation. Parents/legal guardians will have the right to review any surveys to be used prior to the administration of the survey.

The Administration and District legal counsel proposed revisions to the current policy to bring it into conformance with the new statute, AS 14.03.110, so that guidance on the use of surveys can be given to principals and supervisors at the beginning of the 1999-2000 school year. These proposed revisions were taken to the School Board Policy Sub-Committee on July 22, 1999, and with a minor modification, passed out of committee unanimously to the full School Board for action.

Once the second and final reading are completed, the Administration will provide information to all parents/legal guardians, students, and school and program administrators for implementation at the beginning of the 1999-2000 school year. Information will be included in all beginning of school year publications and information; forms will be available at the schools and through school newsletters. Once revised, Policy 450 (D) will be included with the *Student Rights and Responsibilities* documents widely distributed to students and staff and parents.

The School Board passed the policy revision on first reading on August 9, 1999. The Administration was asked to review the request of a citizen in public testimony to substitute the word "permission" for "consent" in the policy in order to be consistent with the statute. The Assistant Superintendent for Instruction contacted legal counsel and was advised that the proposed change would be acceptable and would not change the intent of the policy changes. The Administration has made the appropriate change in the proposed policy for Second Reading on Attachment A.

BC/CC

Attachments

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Carol Comeau, Assistant Superintendent, Instruction

Approved by: Carol Comeau, Assistant Superintendent, Instruction