

STUDENT SURVEY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires parental consent for any non-academic survey given to a student.

Highlighted Provisions:

This bill:

▶ requires an LEA:

• to update policies to require parental consent for any non-academic survey given to a student;

• to obtain the parental consent annually in writing;

• to obtain new parental consent from parent's of a transferring student; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-9-203, as last amended by Laws of Utah 2022, Chapter 335

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53E-9-203** is amended to read:



28 **53E-9-203. Activities prohibited without prior written consent -- Validity of**
 29 **consent -- Qualifications -- Training on implementation.**

30 (1) Except as provided in Subsection (7), Section ~~53G-9-604~~, and Section ~~53G-9-702~~,
 31 an LEA shall include in policies [adopted by a school district or charter school] the LEA adopts
 32 under Section 53E-9-202 [shall include prohibitions on the administration] a requirement for
 33 obtaining prior written consent from the student's parent when administering to a student [of]:

34 (a) any psychological or psychiatric examination, test, or treatment[, or]; and

35 (b) any survey, analysis, or evaluation [without the prior written consent of the
 36 student's parent, in which the purpose or evident intended effect is to cause the student to
 37 reveal information, whether the information is personally identifiable or not, concerning the
 38 student's or any family member's:] that is not used to directly measure a student's academic
 39 achievement in a subject or course, regardless of whether the resulting information is
 40 personally identifiable.

41 ~~[(a) political affiliations or, except as provided under Section 53G-10-202 or rules of~~
 42 ~~the state board, political philosophies;]~~

43 ~~[(b) mental or psychological problems;]~~

44 ~~[(c) sexual behavior, orientation, or attitudes;]~~

45 ~~[(d) illegal, anti-social, self-incriminating, or demeaning behavior;]~~

46 ~~[(e) critical appraisals of individuals with whom the student or family member has~~
 47 ~~close family relationships;]~~

48 ~~[(f) religious affiliations or beliefs;]~~

49 ~~[(g) legally recognized privileged and analogous relationships, such as those with~~
 50 ~~lawyers, medical personnel, or ministers; and]~~

51 ~~[(h) income, except as required by law.]~~

52 ~~[(2) Prior written consent under Subsection (1) is required in all grades, kindergarten~~
 53 ~~through grade 12.]~~

54 ~~[(3) Except as provided in Subsection (7), Section 53G-9-604, and Section 53G-9-702,~~
 55 ~~the prohibitions under Subsection (1) shall also apply within the curriculum and other school~~
 56 ~~activities unless prior written consent of the student's parent has been obtained.]~~

57 (2) An LEA shall annually obtain the prior written consent under Subsection (1) at the
 58 time a student registers with the LEA.

59 (3) An LEA may not use the prior written consent described in Subsection (1) that a
60 different LEA obtained for a student who transfers to the LEA after the beginning of the school
61 year.

62 (4) (a) Written parental consent is valid only if a parent has been first given written
63 notice, including notice that a copy of the educational or student survey questions to be asked
64 of the student in obtaining the desired information is made available at the school, and a
65 reasonable opportunity to obtain written information concerning:

66 (i) records or information, including information about relationships, that may be
67 examined or requested;

68 (ii) the means by which the records or information shall be examined or reviewed;

69 (iii) the means by which the information is to be obtained;

70 (iv) the purposes for which the records or information are needed;

71 (v) the entities or persons, regardless of affiliation, who will have access to the
72 personally identifiable information; and

73 (vi) a method by which a parent of a student can grant permission to access or examine
74 the personally identifiable information.

75 (b) For a survey described in Subsection (1), the LEA shall ensure that the written
76 notice described in Subsection (4)(a) [~~shall include an Internet address~~] includes:

77 (i) a list of each survey the LEA will administer to the parent's student; and

78 (ii) [~~where~~] a method for a parent [can] to view [the exact] each survey [to be
79 administered to the parent's student].

80 (5) (a) Except in response to a situation which a school employee reasonably believes
81 to be an emergency, or as authorized under Title 80, Chapter 2, Part 6, Child Abuse and
82 Neglect Reports, or by order of a court, disclosure to a parent must be given at least two weeks
83 before information protected under this section is sought.

84 (b) Following disclosure, a parent may waive the two week minimum notification
85 period.

86 (c) Unless otherwise agreed to by a student's parent and the person requesting written
87 consent, the authorization is valid only for the activity for which it was granted.

88 (d) A written withdrawal of authorization submitted to the school principal by the
89 authorizing parent terminates the authorization.

90 (e) A general consent used to approve admission to school or involvement in special
91 education, remedial education, or a school activity does not constitute written consent under
92 this section.

93 (6) (a) This section does not limit the ability of a student under Section 53G-10-203 to
94 spontaneously express sentiments or opinions otherwise protected against disclosure under this
95 section.

96 (b) (i) If a school employee or agent believes that a situation exists which presents a
97 serious threat to the well-being of a student, that employee or agent shall notify the student's
98 parent without delay.

99 (ii) If, however, the matter has been reported to the Division of Child and Family
100 Services within the Department of Human Services, it is the responsibility of the division to
101 notify the student's parent of any possible investigation, prior to the student's return home from
102 school.

103 (iii) The division may be exempted from the notification requirements described in
104 [this] Subsection (6)(b)(ii) only if it determines that the student would be endangered by
105 notification of the student's parent, or if that notification is otherwise prohibited by state or
106 federal law.

107 (7) (a) If a school employee, agent, or school resource officer believes a student is
108 at-risk of attempting suicide, physical self-harm, or harming others, the school employee,
109 agent, or school resource officer may intervene and ask a student questions regarding the
110 student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for
111 the purposes of:

112 (i) referring the student to appropriate prevention services; and

113 (ii) informing the student's parent.

114 (b) [~~On or before September 1, 2014, a school district or charter school~~] An LEA shall
115 develop and adopt a policy regarding intervention measures consistent with Subsection (7)(a)
116 while requiring the minimum degree of intervention to accomplish the goals of this section.

117 (8) [~~Local school boards and charter school governing boards~~] An LEA governing
118 board shall provide inservice for teachers and administrators on the implementation of this
119 section.

120 (9) The state board shall provide procedures for disciplinary action for violations of

121 this section.

122 (10) Data collected from a survey described in Subsection (1):

123 (a) is a private record as provided in Section [63G-2-302](#);

124 (b) may not be shared except in accordance with the Family Educational Rights and
125 Privacy Act, 20 U.S.C. Sec. 1232g; and

126 (c) may not be included in a student's Student Achievement Backpack, as that term is
127 defined in Section [53E-3-511](#).

128 Section 2. **Effective date.**

129 This bill takes effect on July 1, 2024.