

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS  
Board of Education  
Upper Marlboro, Maryland

5125.4  
Policy No.

BOARD OF EDUCATION POLICY

INSTRUCTION

Informed Consent: Student Data Gathering

**I. POLICY STATEMENT**

- A. The Board of Education of Prince George's County (Board) recognizes the valuable contribution that community partners, researchers, and service providers make to Prince George's County Public Schools (PGCPS) and students, and that data and research are necessary to better serve students and to evaluate and improve the quality of educational programs.
- B. The Board also recognizes its responsibility to protect the privacy of students, parents, and employees in:
1. the administration of any external research study;
  2. any research study, instructional program, or course which includes questionnaires or surveys; and
  3. the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes, and certain physical exams.
- C. The Board holds its internal research, evaluation, and assessment activities conducted through the Division of Accountability to high standards of methodological rigor to provide valid, reliable information pertaining to the effectiveness of educational and operational programs operating in PGCPS. Similarly, the Board holds external individuals or organizations seeking to collect data in PGCPS schools or offices to high methodological standards of research.

**II. PURPOSE**

The purpose of this policy is to provide guidelines for the administration of external research studies, any internal research study, instructional program or course that requires questionnaires and surveys, and protected information surveys.

### III. DEFINITIONS

- A. *Data* – All information and records (whether personally identifiable or not personally identifiable) regarding individual students, their parents, guardians, and family members, staff, as well as other stakeholders; and student, staff, family member, or other information aggregated to the classroom, grade, school, office, or district level.
- B. *Eligible student* – A student who is 18 years of age or older, or who is attending a postsecondary institution at any age, or who is emancipated prior to the age of 18.
- C. *External researcher* – Any individual, including but not limited to any employee or unit of PGCPs who does not have a legitimate educational interest as defined in the Family Educational Rights and Privacy Act (FERPA), or who seeks to gather personal student data or who seeks to conduct a research study for reasons of personal gain, interest or benefit; any government, institution (inclusive of institutions with which the school system is partnering), agency, or person(s) who seeks to conduct a research study or who seeks personally identifiable data who is not provided access to such as delineated in the FERPA.
- D. *Informed consent* – An approval process between a researcher and a potential research participant wherein the researcher obtains explicit, written permission to include the participant in the research project. *Informed consent* must conform to the requirements delineated in the guidelines for human subject research set forth by the U.S. Department of Health and Human Services (FERPA; 20 U.S.C. § 1232g; 34 C.F.R. Part 99) and in the Protection of Pupil Rights Amendment (PPRA; 20 U.S.C. § 1232h; 34 C.F.R. Part 98).
- E. *Internal researcher* – An employee or unit of PGCPs (or an agent thereof) who seeks to conduct research as part of the employee’s or unit’s work responsibilities.
- F. *Invasive physical examination* – Any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include hearing, vision, or scoliosis screening.
- G. *Legitimate educational interest* – A need to access student education records or other personally identifiable information in order to fulfill a professional responsibility on behalf of PGCPs, an individual school within PGCPs, or on behalf of one or more students. Such an interest may include, but is not limited to, performing or providing:
1. Instructional or discipline-related tasks in connection with one or more students;
  2. Services to a student or student’s family, including health care, counseling, or school or job placement; or
  3. Administrative or other educational responsibilities as prescribed by PGCPs.
- H. *Parent* – A parent of a student, including a natural parent, a legal guardian of a student, or an individual acting as a parent in the absence of a parent or legal guardian (such as a grandparent or stepparent with whom the student lives, or a person who is legally responsible for the welfare of the student).
- I. *Personal information* – In accordance with the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232(h), means individually identifiable

information including:

1. a student or parent's first and last names;
2. a home or other physical address of the student (including street name and city or town);
3. a telephone number; and
4. a Social Security number.

J. *Personally identifiable information (PII)* – Includes information within an education record for students or personnel record for employees (including contract employees) which would reasonably be considered an invasion of privacy if disclosed.

1. Examples of "*personally identifiable information*" include, but are not limited to social security numbers; EIN; date of birth; race, nationality, ethnicity, origin, color, religious or political beliefs or associations; sex, sexual orientation, gender identity, marital status, personal financial information, including credit card and debit card numbers, or financial or bank account numbers and routing information; driver's license numbers and state identification card numbers; medical records or health care history (including pharmaceutical records); employment history or criminal background records; and employee home contact information.
2. Such data combined with an individual's first and last name (or first initial and last name), or any other method of linking the information to the individual, qualifies as "*personally identifiable information*."
3. This definition does not apply to information designated as directory information by law or school system procedures.

K. *Protected information* – Means details about students' lives that are contained in the following categories:

1. Political affiliations;
2. Mental or psychological problems of the student or student's family;
3. Sexual behavior or attitudes;
4. Illegal, antisocial, self-incriminating, or demeaning behavior;
5. Critical appraisals of the student's family members;

6. Privileged or similar relationships recognized by law, such as with attorneys, doctors, and ministers; and
  7. Religious practices, affiliations, or beliefs of the student or student's parents.
- L. *Research*—A structured and systematic measurement, investigation, or evaluation that uses data (new and/or existing; qualitative and/or quantitative) to provide reliable, valid, replicable, and/or generalizable findings.
1. Examples of research include, but are not limited to case studies, student record reviews and analysis, observations and interviews, ethnographic analysis, analysis of written materials, secondary analysis of data, achievement testing, surveys, experimental designs to examine causal relationships, product testing and analysis of cost and management records, and the study of grant programs or the evaluation components of grant-funded programs (federal, state, local, foundations, universities, private) and other data gathering activities.
  2. Examples of existing data include, but are not limited to existing test data, human resources data, or financial data.
  3. Examples of new data include but are not limited to: data created through the process of gathering, collecting, questioning, and surveying PGCPS students, families, and/or employees.

#### **IV. STANDARDS**

##### **A. Release, Access, and Use of Data**

1. No test, survey, questionnaire, opinionnaire, or other form of data gathering shall be allowed in the public schools whether by teacher, counselor, principal, or any school system employee or external researcher(s) seeking personally identifiable student or staff data for personal goals or interests unless and until the following process is completed and permission is officially granted by the Division of Accountability for the specific research study.
  - a. A research application must be completed with requisite signatures, including that of the applicant's immediate supervisor, principal investigator, or external agency official held responsible for conducting the study or research.
  - b. Every application must be submitted to the Division of Accountability for review and authorization determination.
  - c. The Division of Accountability will review each application to determine the financial/staff/instructional burden, school calendar, and programmatic feasibility, and relative merits of the proposal.

- d. In the special case of grant programs with data-gathering requirements, the Division of Accountability shall forward the review findings and recommendations to the Office of the Superintendent for the Superintendent's recommendation to the Board.
  - e. For all external research studies as previously delineated in this policy, the researcher must obtain the written informed consent of the parent or guardian of each child who is to participate in the study or for whom personally identifiable student records are to be involved.
2. The Superintendent may terminate any research studies [internal (PGCPS) or external], or program, course, or activity at any time if there is reason to believe that any of the provisions of this policy or the applicable administrative procedures have not been adhered to or if there is any perception by PGCPS that the project may be detrimental to the students, staff, or orderly operation of the school or school system.
- B. Internal (PGCPS System) Research Studies, Programs, Courses, or Activities
1. The Board recognizes as proper and procedurally correct the administration and analysis of certain tests, questionnaires, data gathering devices, or other examinations and regularly scheduled system activities in PGCPS which are in accordance with the official county standardized testing program, State testing/accountability programs, and the local curricular programs/evaluations, or as prescribed or previously approved by the Division of Academics/Accountability or the Executive Cabinet.
  2. Informed consent is not required for internal research studies, programs, courses, or activities only when the program, course, or activity limits its request for, and use of, sensitive personal student/family information to the data inherent to the nature of the program, course, or activity and materials. Further, any program, course, or activity must be approved by the Superintendent or the Chief Accountability Officer or their designee before the program, course, activity or materials are approved for implementation in the schools.
  3. Informed consent is not required when the Board, acting as a whole through the Superintendent or the Chief Accountability Officer or their designee, requires information or evaluation of system programs, materials, activities or issues that necessitate a staff-conducted research study, or research conducted by an independent consultant acting as an agent of the school system, using current or past student/family information.

C. External Research Studies

1. The Board recognizes that external parties, including private individuals or school system employees seeking to do research for their own educational goals or research interests, seek to gather student data. Further, the Board recognizes that institutional third parties, including universities, foundations, special interest organizations, and federal and state agencies, seek to gather student data for a variety of purposes. Also, the Board recognizes that grant programs often include evaluation requirements, which involve the participation of students in the data-collection component or the collection of personally identifiable student data.
2. Informed consent of the parent/guardian or eligible student if 18 years of age or older is required for any external research study seeking student participation in the data collection process, access to personal student data, family data as found in student records or as obtained by test, questionnaire, or survey. All external research studies, even when undertaken in partnership with a department/office in the school system or when officially authorized by central school system personnel, shall require written informed consent of the parent/guardian or eligible student.
3. Approval by the Superintendent or the Chief Accountability Officer/designee must require that the Letters of Permission, which consist of informed consent, to participate in the program, course, or activity include in their description the following information:
  - a. Identification of the principal researchers(s);
  - b. Objectives of the research project;
  - c. Procedures to be followed in the conduct of research;
  - d. Purpose of each procedure;
  - e. Anticipated uses of the results of the research;
  - f. A statement of benefits reasonably to be expected;
  - g. A statement that participation is completely voluntary and that a participant may withdraw at any time without penalty or prejudice.
  - h. A statement about the confidentiality of the research and exceptions to any guarantees of confidentiality required by FERPA and local implementing policies; and
  - i. An offer to answer questions about the project.

**D. Administration of Surveys and Physical Exams, Marketing of Personal Information, and the Inspection of Certain Material**

1. Prior written consent of the eligible student or of the parent/guardian will be obtained before a student is required to submit to a survey that concerns one or more of the protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education.
2. Notice and an opportunity to opt a student out of the following will be provided:
  - a. Any other protected information survey, regardless of funding;
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  - c. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)
3. *Inspect*, upon request and before administration or use –
  - a. Protected information surveys of students and surveys created by an external party;
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - c. Instructional material used as part of the educational curriculum.

**V. IMPLEMENTATION REQUIREMENTS**

The Superintendent is directed to develop administrative procedures to implement this policy.

**VI. REFERENCES**

**A. Legal**

- 20 U.S.C. § 1232g (FERPA)
- 20 U.S.C. § 1232h (PPRA)
- 20 U.S.C. §§ 1400, et seq. (IDEA)
- 20 U.S.C. § 9134 (CIPA)
- §§ 4-101, et seq. MD Code Ann., GP Art.
- §§ 4-131, et seq., MD Code Ann., Educ. Art.

- B. Other Policies and Administrative Procedures
  - Board Policy 1120 – Public Information Act Requests
  - Board Policy 5125 – Student Records
  - Board Policy 5126 – Student Information
  - Administrative Procedure 1120 – Public Information Act Requests
  - Administrative Procedures 3050 – Confidential Data and Personally Identifiable Information (PII)
  - Administrative Procedure 5125 – Individual Student School-Based Records

**VII. HISTORY**

Policy Adopted  
7/25/74

Policy Amended  
3/25/76

Policy Amended  
7/7/94

Policy Amended  
5/16/03

Policy Reviewed-No Revisions Required  
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Policy Amended  
11/10/05

Policy Reviewed-No Revisions Required  
11/27/06

Policy Amended  
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Policy Amended  
11/09/23