

Part 5. Notification Requirements for Parental Options.

§ 115C-76.65. Parental rights to opt-in to protected information surveys.

- (a) The following definitions shall apply in this section:
 - (1) Adult student. – An enrolled student who is 18 years of age or older or is an emancipated minor.
 - (2) Protected information survey. – A survey, analysis, or evaluation that reveals information concerning any of the following:
 - a. Political affiliations or beliefs of the student or the student's parent.
 - b. Mental or psychological problems of the student or the student's family.
 - c. Sex behavior or attitudes.
 - d. Illegal, antisocial, self-incriminating, or demeaning behavior.
 - e. Critical appraisals of other individuals with whom respondents have close family relationships.
 - f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
 - g. Religious practices, affiliations, or beliefs of the student or student's parent.
 - h. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.
- (b) The public school unit shall make the following available to parents and adult students at least 10 days prior to administration of a protected information survey. The public school unit shall provide opportunities for review of the following both electronically and in person:
 - (1) The process for providing consent to participation in the protected information survey.
 - (2) The full text of the protected information survey.
- (c) No student shall be permitted to participate in a protected information survey without the prior written or electronic consent of the parent or the adult student.
- (d) The requirements of this section are in addition to the rights provided to parents and students under the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h. (2023-106, s. 2(a).)