

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

The Board of Education believes that no student enrolled in the public schools of Prince George's County should be the unwilling or unknowing subject of any research study or student records access unless such activities are approved in advance by the parents of each child involved. Furthermore, the Board of Education forbids the following: (1) the practice of "passive consent" in the administration of any external (third party) research study; (2) the administration of any external (third party) research study without written authorization from the Superintendent or the Chief Academics/Accountability Officer or their designee; and (3) any research study, instructional program, or course which includes questionnaires or surveys that ask students questions, the nature of which might reveal potentially criminal or immoral activity.

I. Definitions

- A. Research Study: Any activity conducted to identify and/or ameliorate an educational issue or problem. Research studies include experimental studies, philosophical research, survey studies, case studies, student record reviews and analysis, anecdotal observations and interviews, study grant programs or the evaluation components of grant funded programs (federal, state, local, foundations, universities, private) and other data gathering activities.
- B. "Informed Consent": Nothing can be construed as "informed consent" unless it conforms to the requirements delineated in the Family Rights and Education Act (1974) which shall include:
- A description of the data to be collected, maintained, or released.
  - The names and positions of those by whom the data may be collected, maintained and to whom it may be released.
  - The purpose for the collection, maintenance, or release of the data.
  - The signature of the parent/guardian or eligible student if 18 years of age or older.
- C. "Passive Consent": The Board of Education does not recognize the concept of "passive consent." The only type of consent permissible for external (third party) research studies is the written and informed consent as defined in subsection "B" of this Section I.

- D. “External (Third Party): Any employee of the Prince George’s County Public Schools (PGCPS) who does not have an educational and/or professional “need-to-know” status as defined in the Family Educational Rights and Privacy Act (1974), 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 Family Educational Rights and Privacy Act (1974).

## II. Internal (PGCPS System) Research Studies, Programs, Courses, or Activities

The Board of Education 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 the 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.

- 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 Academics/Accountability Officer or their designee BEFORE the program, course, activity or materials are approved for implementation in the schools.

Further, informed consent is not required when the Board of Education acting as a whole through the Superintendent or the Chief Academics/Accountability Officer or their designee requires information or evaluation of system programs, materials, activities or issues which necessitate a staff-conducted research study, or a research conducted by an independent consultant acting as an agent of the school system, using current or past student/family information.

## III. External (Third Party) Research Studies

The Board of Education recognizes that third 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 of Education 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 of Education 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.

Informed Consent of the parent or eligible student if 18 years of age or older is required for any third party 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 third party research studies, even when undertaken in partnership with a department/office in the school system or when officially authorized by central school system personnel in accordance with Administrative Procedure 4131.34, shall require written informed parental consent.

Approval by the Superintendent or the Chief Academics/Accountability Officer or their designee must require that the Letters of Permission to participate in the program, course, or activity include in their description the following information:

- Identification of the principal researchers(s).
- Objectives of the research project.
- Procedures to be followed in the conduct of research.
- Purpose of each procedure.
- Anticipated uses of the results of the research.
- A statement of benefits reasonably to be expected.
- A statement that participation is completely voluntary and that a participant may withdraw at any time without penalty or prejudice.
- A statement about the confidentiality of the research and exceptions to any guarantees of confidentiality required by Family Rights and Education Act (1974) and local implementing policies.
- An offer to answer questions about the project.

#### IV. Summary and Process Synopsis

The Board of Education, therefore, requires that 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 third party 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 for the specific research study in accordance with Administrative Procedures 4131.34:

- A research application must be completed with requisite signatures, including that of the applicant's immediate supervisor, principal investigator, or third party agency's official held responsible for the conduct of the study.
- Every application must be submitted to the Division of

Academics/Accountability for review and authorization determination.

- Each application will be reviewed by the Division of Academics/Accountability to determine the conformance of the proposal with Board policy (especially in regards to “Informed Consent”), financial/staff/instructional burden, school calendar, and programmatic feasibility, and relative merits.
- In the special case of grant programs with data-gathering requirements, the Division of Academics/Accountability shall forward the review findings and recommendations to the Office of the Superintendent for the Superintendent’s recommendation to the Board of Education.
- For all third party research studies as previously delineated in this document, the researcher must obtain the written “Informed Consent” of the parent of each child who is to participate in the study or for whom personally identifiable student records are to be involved.

The Board of Education or the Superintendent may terminate any research studies (internal (PGCPS) or external (third party), or program, course, or activity at any time if there is reason to believe that any of the provisions of this policy or the pertaining administrative procedures have not been adhered to or if there is any perception by the System that the project may be detrimental to the students, staff, or orderly operation of the school or school system.

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7/25/74

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5/16/03

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