

# Youth Risk Behavior Survey

## Legal Issues

As in past years, administrators continue to ask whether schools participating in the Youth Risk Behavior Survey (YRBS) are violating federal laws protecting students' rights and privacy. The answer is NO.

The issue has been researched by federal agency staff and by legal staff at both the federal and state levels. The federal laws in question -- The Protection of Pupil Rights Amendment of 1994 (PPRA) and the Family Educational Rights and Privacy Act of 1974 (FERPA) -- apply to programs which receive funds from the U.S. Department of Education (USDE). Each of these federal laws is specific in its protection of students' rights and privacy when information is part of a student's education record or when a student is required to participate in a project where personal information is revealed.

PPRA protects the privacy of a student's education record. YRBS responses are anonymous and impossible to associate with individual students. No correlation is possible between anonymous YRBS data and individual student records; thus, participation in the YRBS does not violate the provisions of PPRA.

FERPA addresses written parental consent when minor students are required to participate in USDE-funded research projects. The YRBS is a voluntary survey and, therefore, does not violate the provisions of FERPA. The Office of Public Instruction does, however, recommend that schools make parents aware that the survey is planned for their school and those parents not wanting their child to participate should notify the school.

Furthermore, there is a provision in FERPA that seeks to ensure instructional materials used in USDE-funded research be made available for inspection by parents. Surveys are not considered instructional materials; rather they are instruments to evaluate instructional programs. Nevertheless, a copy of the proposed survey is given to a school months in advance of the survey administration date. The survey instrument should be kept in the main office with the opportunity for viewing by any parent wishing to do so.

In conclusion, schools participating in the Youth Risk Behavior Survey (YRBS) are not in violation of federal laws protecting students' rights and privacy because the YRBS is anonymous (thus impossible to be part of students' records) and voluntary (ensuring that students are not required to participate).

You may want to consider administering any student survey in the same manner as the YRBS to ensure compliance with PPRA and with FERPA.