

FACT SHEET

HEALTH IN SCHOOL

State Legal Requirements for Parental Consent for School-Based Surveys

School-based student health surveys—which collect information directly from students about their health-related behaviors and experiences—have proven to be an important tool for identifying emerging problems in youth physical, behavioral, and mental health and wellbeing; tracking trends; and developing policy and programmatic interventions.¹ Some school-based surveys, such as the Centers for Disease Control and Prevention’s Youth Risk Behavior Surveillance System (YRBSS)² and similar state surveys, are designed to monitor and create a longitudinal database for tracking health-related behaviors among adolescents that contribute to leading causes of death and injury, including some sensitive topics like substance use, suicidal ideation, and sexual behavior. Despite their importance in improving youth health, these surveys have come under scrutiny in recent years. A cultural narrative emerged that parents were losing control of their children’s educational curriculum, materials, and activities (like school-based health surveys), even as research suggests that most parents report feeling well-informed and satisfied with their children’s schools.³

A growing number of states have considered “Parents’ Bill of Rights” legislation to expand parents’ rights in schools,⁴ and states have also started to enact laws requiring active parental consent for school-based surveys. The federal Protection of Pupil Rights Amendment (PPRA) has been in effect since 1974 and requires parental consent for school-based surveys that address certain sensitive topics, specifically:

- Political affiliation,
- Mental and psychological problems,
- Sexual behavior and attitudes,
- Illegal or self-incriminating behavior,
- Critical assessments of other individuals or family members,
- Privileged information given to lawyers, physicians, or ministers,
- Religious practices, affiliations, or beliefs (newly added under NCLB), or
- Income (other than what is required by law for program eligibility).

The PPRA requires active parental consent, meaning that parents must “opt in” to the survey, if the survey is mandatory and addresses any of the eight topics outlined above. (The ability to “opt out” is not sufficient.) If student participation is required but does not involve one of these categories—or if the survey involves one of the categories above but is voluntary—the PPRA requires that parents be notified of the survey and given the option to opt out.

This is where state law comes in. The federal law provides a floor of protection, but states can enact laws that provide additional protections. For example, the YRBSS contains a voluntary survey that involves sensitive topics. Federal law therefore requires parental notice and opportunity for the parents to opt out.

But some states now require active “opt in” consent for all surveys administered to students. **Research shows that requiring active consent for such surveys can result in reduced response rates, introduce sampling biases that confound research results, and suppress representation of young people who are most at risk for adverse outcomes.**⁵ Legislative efforts to ensure parental involvement must balance ensuring the quality of critical youth health data with parental rights.

The following states have laws that require active (“opt in”) parental consent before a student may participate in any school-based survey.

STATE	CITATION	YEAR EFFECTIVE	TYPE OF SURVEY REQUIRING ACTIVE (“OPT IN”) CONSENT
Alaska	AS § 14.03.110	2015	Any questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student
Arizona	A.R.S. § 15-104	2007	Mental health surveys
	A.R.S. § 15-117	2022	Any survey that requests personally identifiable information (PII) on specific named categories
Arkansas	A.C.A. §§ 6–18–1301 to 1303	2003	Any survey that requests PII
Colorado	C.R.S.A. § 22-1-123	2000	Any survey that reveals information (personally identifiable or not) about the student or student’s family on specific named categories
Guam	17 G.C.A. § 6602	2012	Any survey that involves an enumerated PPRA category
Idaho	ID ST § 33-6001	2023	Any non-curricular survey, questionnaire, or screening that addresses an individual student's sexuality, sex, religion, personal political beliefs, mental or psychological problems, personal family information, or individual or family financial information
Indiana	IC 20-26-21-4	2023	A personal analysis, evaluation, or survey that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings
Iowa	IA ST § 279.76	2003	A formal examination or survey of a student that is designed to assess the student’s mental, emotional, or physical health that is not required by state or federal law (surveys required by law are subject to parental notice with opportunity to opt out)
	IA ST § 279.79	2023	Any survey that reveals information (personally identifiable or not) about the student or student’s family on specific named categories
New Jersey	N.J.S.A. 18A:36-34	2002	Any survey that requests PII on specific named categories
New Hampshire	NH ST § 186:11 IX-d	2017	“Non-academic” survey that requests PII on specific named categories; specifically exempts YRBS. <i>A 2025 bill (HB 446) that would have removed the exemption for YRBS was vetoed by Governor Ayotte on 7/17/2025.</i>
Kentucky	KRS § 158.191	2023	Any well-being questionnaire or assessment, or a health screening form being given to a child for research purposes
Utah	U.C.A. 1953 § 53E-9-203	2018	Any survey that reveals information (personally identifiable or not) about the student or student’s family on specific named categories

In addition, Louisiana law forbids certain surveys altogether, stating that “[s]tudents shall not be tested, quizzed, or surveyed about their personal or family beliefs or practices in sex, morality, or religion” (LA R.S. 17:281, effective 1993). A state attorney general opinion advised that confidential surveys could not be administered to participants in after-school programs that are affiliated with the regular school program even if parental permission is obtained first (Op.Atty.Gen. No. 97-292, September 22, 1997).

Other states have enacted laws to protect the integrity of youth health data by mirroring PPRA requirements that mandate parental notice with an opportunity for opt out or through some other approach. Examples are outlined below.

- Indiana establishes a stepwise process that requires parental consent but allows administration of the survey after a period of nonresponse to the request for active consent (total of 31 calendar days). The law pertains to personal analyses, evaluations, or surveys that reveal, identify, collect, maintain, or attempt to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings administered by a third-party vendor (IC 20-26-21-3, effective 2023).
- California and Virginia require parental notice with the opportunity to opt out (CA EDUC § 51938, effective in 2016 and VA ST § 22.1–79.3, effective 2015).
- Maryland, Nevada, and Virginia require parental notice with the opportunity to opt out *specifically* for the YRBS (MD EDUC § 7-420, effective 2008; N.R.S. 392.422, effective 2021; and VA Code Ann. § 32.1-73.8, effective 2011). Prior to 2008, Maryland law required active consent.
- Since 1995, Oklahoma law has required parental notice with an opportunity for opt out of “surveys or questionnaires whose primary purpose is to elicit responses on sexual behavior or attitudes” (OK ST T. 70 § 11–105.1, effective 1995). Legislation enacted in 2019 required information about consent to be provided to parents and clarified the meaning of “consent” to align with the definition described elsewhere in Oklahoma law.

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¹ See, e.g., Quinlan, K., Kessel Schneider, S., and Gilman, L. At risk: Student surveys and youth health, *Public Health Post*, January 13, 2022, online at <https://publichealthpost.org/health-equity/student-surveys-youth-health/> and Hatch, L.M., Widnall, E.C., Albers, P.N. et al. (2023). Conducting school-based health surveys with secondary schools in England: advice and recommendations from school staff, local authority professionals, and wider key stakeholders, a qualitative study. *BMC Med Res Methodol* 23, 142.

² Centers for Disease Control and Prevention, Youth Risk Behavior Surveillance System (YRBSS), online at <https://www.cdc.gov/yrbss/index.html>.

³ NPR, The education culture war is raging. But for most parents, it's background noise, April 29, 2022, online at <https://www.npr.org/2022/04/29/1094782769/parent-poll-school-culture-wars>

⁴ According to FutureEd, 85 bills related to parental rights in education were introduced in 26 states in 2022, and 62 bills were introduced in 24 states in 2023. Bella DiMarco, FutureEd, Legislative Tracker: 2-23 Parent-Rights Bills in the States, online at <https://www.future-ed.org/legislative-tracker-2023-parent-rights-bills-in-the-states/>.

⁵ See, e.g., Chao, L., Cox, R.B., Washburn, I.J., Croff, J.M., Crethar, H.C. (2017). The Effects of Requiring Parental Consent for Research on Adolescents' Risk Behaviors: A Meta-analysis, *Journal of Adolescent Health* 61(1), 45-52; Courser, M. W., Shamblen, S. R., Lavrakas, P. J., Collins, D., & Ditterline, P. (2009). The impact of active consent procedures on nonresponse and nonresponse error in youth survey data: evidence from a new experiment. *Evaluation review*, 33(4), 370–395; and Chartier, M., Stoep, A. V., McCauley, E., Herting, J. R., Tracy, M., & Lymp, J. (2008). Passive versus active parental permission: implications for the ability of school-based depression screening to reach youth at risk. *The Journal of school health*, 78(3), 157–186.