

The Protection of Pupil Rights Amendment (PPRA) affords certain rights to parents and students eighteen (18) years of age or older (“eligible students”) with regard to the surveying of students, the collection and use of information from students for marketing purposes, and certain non-emergency medical examinations.

## **DEFINITIONS**

“Eligible student” means a student over the age of eighteen (18) or an emancipated minor under Idaho law.

“Instructional material” means material provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). This term does not include academic tests or academic assessments.

“Invasive physical examination” is defined as 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 a hearing, vision, or scoliosis screening.

“Personal information” means individually identifiable information, including a student’s or parent’s first and last name; a home or other physical address (including a street name and the name of the city or town); a telephone number; or a social security number.

## **ANNUAL NOTIFICATION REQUIREMENTS**

The PPRA requires that parents or eligible students be directly notified at least annually at the beginning of the school year, by direct mailing or e-mail, of their right to consent or opt-out of participation in certain school activities and the specific or approximate dates of each activity. For surveys and activities scheduled after the school year starts, parents will be provided with reasonable notification of the planned activities and surveys listed below and an opportunity to opt their child out of such activities and surveys.

Prior written parental consent will be obtained before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning any of the following eight protected areas:

1. Political affiliations or beliefs of the student or the student’s parent;
2. Mental or psychological problems of the student or the student’s family;
3. Sex behavior or attitudes;

4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents will receive notice and opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. 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
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

**RIGHT TO INSPECT**

Upon request, parents or eligible students have the right to inspect, prior to any administration or use, protected information surveys of students; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; any instructional materials used in connection with any survey that concerns one or more of the protected areas; and any instructional material used as part of the educational curriculum for the district.

**DEVELOPMENT OF POLICIES**

The district will develop and adopt policies, in consultation with parents, regarding the rights set forth in the PPRA, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or distribution purposes.



**LEGAL REFERENCE:**

The Protection of Pupil Rights Amendment (PPRA)

20 U.S.C. § 1232h

34 CFR §98.3

**ADOPTED:** September 6, 2013

**AMENDED:** June 4, 2014, July 9, 2018, October 23, 2019

*\*Language in text set forth in italics is optional*