



PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

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The Protection of Pupil Rights Amendment (PPRA) of 1978, sometimes referred to as the Hatch Amendment is a federal law intended to protect the rights of students and their parents/guardians in programs funded by the U.S. Department of Education (ED).

The PPRA was written to protect student and parent/guardian rights in two specific ways. First, any material used by students in ED funded surveys, analyses, or evaluations will be made available to parents/guardians to inspect prior to use with their child. Secondly, it ensures that schools and contractors acquire written parental consent before a minor student is required to participate in ED funded surveys, analyses or evaluations which may reveal personal information about the following:

- Political affiliations or beliefs of the student or student's parent;
- Mental or psychological problems of the student or student's family;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents; or
- Income, other than as required by law to determine program eligibility.

Parents/guardians are given the right to grant permission for their child to participate in the surveys, analyses or evaluations requiring the above content or they also have the choice to opt their child out of sharing such information with the school.

Parental rights under PPRA transfer from the parents/guardians to a student who is 18 years old or an emancipated minor under state law.

Notification Requirements

There are three types of notification the school must provide parents/guardians and students.

They are as follows:

1. A general notification of their rights under PPRA.
2. A notification of *specific* events. The following activities require notification:
 - a. Activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes or for selling that information, or otherwise providing it to others for that purpose;
 - b. The administration of any survey containing one or more of the eight protected areas listed above; and
 - c. Any nonemergency, invasive physical examination or screening that is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.



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3. A notification of the policies school districts are required to develop, in consultation with parents, under PPRA. The district shall provide the notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in the policies.



Policy Requirements

PPRA requires that school districts, in consultation with parents/guardians, develop the following local policy concerning student privacy, parents access to information, and administration of certain physical examinations to minors:

1. The right of a parent/guardian of a student to inspect, upon the request of the parent/guardian, a survey created by a third party before the survey is administered or distributed by a school to a student, and any applicable procedures for granting a request by a parent/guardian for reasonable access to the survey within a reasonable period of time after the request is received;
2. Arrangements to protect student privacy that are provided by the district in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas of information;
3. The right of a parent/guardian or student to inspect, upon the request of the parent/guardian, any instructional material used as part of the educational curriculum for the student, and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received;
4. The administration of physical examinations or screenings that the school or LEA may administer to a student;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the district in the event of such collection, disclosure, or use;
6. The right of a parent of a student to inspect, upon request, any instrument used in the collection of personal information (a student or parent's first and last name, a home or other physical address, a telephone number, or a Social Security identification number) before the instrument is administered or distributed to a student, and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.



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A model PPRA general notification for use by school districts may be obtained at: [Model Notification of Rights Under PPRA](#)

Policy Implications

Policy #6162.51, "Surveys of Students (Student Privacy)," pertains to this topic. This is a mandated policy for inclusion in the district's policy manual.

CABE's samples have undergone many revisions since they were originally developed. These revisions took place in 2002, 2003, and 2017.

In an effort to maintain the viability of our samples, we have again looked at the sample materials. We have updated them again. They follow for your consideration. At the present time, the federal Department of Education has not altered the requirements of PPRA. These samples are provided as a "revisit" to this issue, allowing the local district to consider the potential of looking anew at this required policy area with the possibility of making some modifications in the existing policy.

THE PROTECTION OF PUPIL RIGHTS AMENDMENT

The Protection of
Pupil Rights Amendment
(PPRA)

protects the rights of
parents and students

April 2018

A mandated policy to consider. Boards are required to develop and adopt this policy "in consultation with parents." However, such consultation is not further defined in the law. Federal law applies only in very limited circumstances. The scope of the law is specifically limited to a survey, analysis or evaluation funded by the Department of Education in which students are required to participate and which reveals information in one or more of the eight listed categories. CABE Policy Service, recommends districts have a policy containing a procedure as listed in this sample policy for all surveys to the categories listed, regardless of the funding source.

Instruction

Surveys of Students (Student Privacy)

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. **The Board of Education (Board) recognizes its responsibility to enact policies that protect student privacy in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.** When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

Alternative language: *The Board of Education recognizes the staff's need to collect input from students and parents in order to assist decision-making related to curriculum and instruction, program development and operations. To this end, the Board supports the use of appropriate surveys in accordance with the guidelines contained within this policy.*

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Note: The term "survey" includes an evaluation.

Prior to administering a survey, the Board of Education must approve all those that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

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;

Instruction

Surveys of Students (Student Privacy) (continued)

4. illegal, anti-social, self-incriminating and 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. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations, or beliefs of the student or the student's parent/guardian.

In the event the District plans to survey students to gather information included in the above list, the District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

For surveys not funded in any part by the federal government, parents/guardians need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed above.

Overall survey results following decisions must be shared with all parties who request such information.

~~Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in District schools. This notification must explain that parent/guardians, or students 18 or older, have the right to "opt the student out of participation," in writing, in the following activities: (Relocated in policy)~~

Instruction

Surveys of Students (Student Privacy) (continued)

Marketing

It is the Board's policy not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, or educational institutions, such as:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities or education-related activities.

Note: *"Personal Information" means individually identifiable information including a student's or parent's first and last name, home address, telephone number or social security number. 20 U.S.C. §1232h(c)(6)(E).*

- ~~2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above; or~~
- ~~3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.~~

Invasive Physical Examinations

Note: *The term "invasive physical examination" means 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.*

The term "personal information" means individually identifiable information including a student's or parent's name, address, telephone number, or social security number.

Instruction

Surveys of Students (Student Privacy)

Invasive Physical Examinations (continued)

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

Inspection of Instructional Material

Parents/guardians of a student shall also have the right to inspect and review upon written request to the Building Principal, any instructional material used as part of the educational curriculum. The District shall grant reasonable access to instructional material within a reasonable period of time, identified as within 30 calendar days, after a parental request is received.

Note: *The term "instructional material" means instructional material that is 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). It does not include academic tests or academic assessments.*

The law does not identify a "reasonable period of time." Therefore the district is free to identify any period of time it deems reasonable.

Notification

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in District schools. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

- (cf. 6141.11 – Curriculum Research/Experimental Projects)
- (cf. 6161 – Equipment, Books and Materials: Provision/Selection)
- (cf. 6161.1 – Evaluation/Selection of Instructional Materials)
- (cf. 6161.12 – Reconsideration of Materials)

Legal Reference: Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232h
Protection of Pupil Rights Amendment, as amended by the Every Student Succeeds Act, Pub. L. 114-95
Regulation 34 CFR Part 98 (PPRA Regulations)

Policy adopted:

rev 10/02
rev 2/03
rev 5/17
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