



Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students (or from the student if an adult or an emancipated minor) are required to participate in any U.S. Department of Education (USDE) funded survey, analysis, or evaluation that reveals information concerning the following areas:

- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family;
- Sex behavior or attitudes;
- 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 student’s parent; or
- Income, other than as required by law to determine program eligibility.

Under PPRA, schools and other recipients of USDE funds under a program administered by the USDE must obtain written parental consent (“active” consent) before students are required to participate in any survey, analysis, or evaluation that reveals information concerning any of the eight protected areas noted above. For surveys that students are not required, as part of a program administered by the Department, to participate in but that are administered by a school or school district that is the recipient of Department funds, PPRA requires that the school “directly” notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in a survey that asks questions about one or more of the eight protected areas listed above in order to provide them with an opportunity to opt their children out of participation (“passive” consent). Regarding those surveys that ask questions concerning one or more of the eight protected areas listed above but that do *not* require students to participate or are *not* part of a program administered by the Department, the school should utilize the “passive” consent requirement.

In addition to written consent, schools and contractors must make instructional materials (includes teacher’s manuals, films, tapes, or other supplementary material) available for inspection by parents if those materials will be used in connection with an USDE-funded survey, analysis, or evaluation in which their children participate.

For additional questions or concerns, please contact your school district's legal office or legal representative.

Policies

PPRA requires school districts to work with parents to develop policies related to:

- Providing notice regarding the right to inspect a survey created by a third party before the survey is administered or distributed to a student, and procedures for granting a request for reasonable access to such survey;
- Arrangements to protect student privacy afforded in the event of administration or distribution of a survey containing one or more of the eight areas identified above;
- Right to inspect instructional material used as part of educational curriculum, upon request;
- Administration of physical examinations or screenings (excluding vision, hearing, or scoliosis) that the school may administer to a student; and
- Collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling the information, and right to inspect any instrument used in the collection of such information. Examples of these activities include those related to college or other postsecondary education recruitment, military recruitment, book clubs, and programs for low-cost literacy products.

Notice

PPRA specifies that the policies adopted by a school district shall provide reasonable notice of the adoption or continued use of such policies. At a minimum, the school district is required to provide such notice at least annually, at the beginning of the school year, and also within a reasonable period of time if any substantive change is made to the policies.

Further, school districts must offer an opportunity for parents to opt-out of (remove their child) from participation in the following activities:

- Activities involving 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;
- The administration of any third party (non-USDE funded) survey containing one or more of the above described eight items of information; or
- Any non-emergency, invasive physical examination or screening that is: required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. **Note: This does not apply to any physical examination or screening that is permitted or required by State law, including hearing, vision, scoliosis, and such examinations or screenings permitted without parental notification**

If the school district intends to conduct any of the three above activities, the LEA shall directly notify parents at least annually at the beginning of the school year, the specific or approximate dates during the school year when these activities are scheduled or expected to be scheduled.

Exceptions

The requirements of PPRA do not:

- Apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA);
- Supersede any requirements of the Family Education Rights Privacy Act (FERPA);
- Preempt applicable provisions of the state law requiring parental notification; or
- Apply to any physical examination or screening that is permitted or required by applicable state law, including those permitted without parental notification.

How does PPRA translate to surveys schools actually give?

There are several types of surveys that schools commonly use that may touch on one or more of the eight protected topics. These include but are not limited to:

- College admissions surveys (such as those given before the ACT or SAT),
- Career interest surveys
- Social-emotional learning (SEL) surveys
- Mental health screenings
- Threat assessment screenings
- Community health screenings
- Needs assessments and universal screeners
 - Needs assessments and universal screeners that gather information by reviewing existing data or input **from teachers and other educators** do not require consent.
 - Surveys or assessment tools (i.e. a depression screener) that include one question from one of the eight protected areas require consent. If students are required to complete the survey and the survey is funded by USDE, active consent is required. If the survey is voluntary, passive consent is permitted.
- Climate Surveys
 - As long as the climate survey does not address any of the protected topics, consent is not required. School officials may want to notify parents to include them in the process.

Before giving any of these surveys or examinations, the school should review the questions to see if any of the eight protected categories are included. For example, if you are planning to use an SEL survey, walk through the questions one by one and see if any fall into one of the categories. There is a good chance that most of them are not covered by PPRA, but note any questions that look like they might touch on one of the eight topics. Then do the following:

- **Purpose specification:** Ask yourself, what is this question trying to accomplish? If a state or federal law is requiring the survey, the text of the law can often provide some indication of the purpose. Once you understand the purpose, ask yourself if there is a way to rework the question to accomplish that same goal without requiring the student to give as much personal information. For example, there is a big difference between asking in a school climate survey if the student feels like there are adults they can talk to if they were victims of sexual assault and asking if they have been a victim of sexual assault. One is clearly tied to understanding the school climate, whereas the other is causing the student to reveal personal information.

- **Data minimization:** If there are only one or two questions in the survey that cover the eight protected categories and they do not seem relevant to accomplish the purpose of the survey, you may also decide to omit the questions.
- **Consent:** If you think the question should stay as-is, you will need to prepare consent forms for parents.

In addition, assuming parents have consented and you have collected the sensitive information from students, consider specifying in policy who will have access to the data in an identifiable format, who will have access to it in aggregate, and the permitted uses for the data (i.e., use limitation). Also, consider how long the data will be retained and how it will be destroyed.

Model Notice

School districts can use this [model general notice of rights](#) to inform parents and students (as applicable) of their rights under PPRA. This [model notice and consent opt-out](#) can be used for parents and students (as applicable) to opt-out of certain activities.

References

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