



UNDERSTANDING THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

MICHAEL HAWES

DIRECTOR, STUDENT PRIVACY POLICY OFFICE

OFFICE OF PLANNING, EVALUATION, AND POLICY DEVELOPMENT

U.S. DEPARTMENT OF EDUCATION

THE U.S. DEPARTMENT OF EDUCATION'S ROLE IN PROTECTING STUDENT PRIVACY

- Administering and enforcing federal laws governing the privacy of student information
 - Family Educational Rights and Privacy Act (FERPA)
 - Protection of Pupil Rights Amendment (PPRA)
- Raising awareness of privacy challenges
- Providing technical assistance to schools, districts, and states
- Promoting privacy & security best practices



PPRA

PROTECTION OF PUPIL RIGHTS AMENDMENT

Statute: 20 U.S.C. § 1232h

- Passed in 1974
- Amended substantially in 1978, 1994, and 2002

Regulations: 34 CFR Part 98

- Last regulated in 1984



TO WHICH EDUCATIONAL AGENCIES AND INSTITUTIONS DOES PPRA APPLY?



Elementary



Secondary



U
S

D
E
P
T

O
F

E
D



PARENTS' RIGHTS UNDER PPRA

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys*, collection and use of information for marketing purposes, and certain physical exams.

*under PPRA, the term “survey” includes evaluations and other similar types of information collections from students.



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO INSPECT

Under PPRA, Parents have the **right to inspect** (upon request and before administration or use):

- Instructional material used as part of the educational curriculum;



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO INSPECT

Under PPRA, Parents have the **right to inspect** (upon request and before administration or use):

- **Protected information** surveys of students;



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO INSPECT

Under PPRA, Parents have the **right to inspect** (upon request and before administration or use):

- Surveys created by a third party;



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO INSPECT

Under PPRA, Parents have the **right to inspect** (upon request and before administration or use):

- Instruments used to collect personal information from students for marketing, sales, or other distribution purposes.



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO PROVIDE PRIOR WRITTEN CONSENT (OPT-IN)

Under PPRA, Parents have the right to provide prior written consent before their child is required to submit to a **protected information** survey that is funded (in whole or in part) by the U.S. Department of Education.



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Political affiliations or beliefs of the student or student's parent;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Mental or psychological problems of the student or student's family;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Sex behavior or attitudes;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Illegal, anti-social, self-incriminating, or demeaning behavior;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Critical appraisals of others with whom respondents have close family relationships;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Religious practices, affiliations, or beliefs of the student or student's parent;



PARENTS' RIGHTS UNDER PPRA

SURVEYS – PROTECTED INFORMATION

The following topics are considered **protected information** under the PPRA:

- Income, other than as required by law to determine program eligibility.



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO OPT-OUT

Under PPRA, Parents have the right to opt the student out of:

- Any other **protected information** survey, regardless of funding;



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO OPT-OUT

Under PPRA, Parents have the right to opt the student out of:

- 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*);



PARENTS' RIGHTS UNDER PPRA

SURVEYS - RIGHT TO OPT-OUT

Under PPRA, Parents have the right to opt the student out of:

- Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others (*subject to certain exclusions for marketing of educational products or services*).



DISTRICTS' RESPONSIBILITIES UNDER PPRA

PPRA requires local educational agencies to develop and adopt policies, in consultation with parents, regarding:

- The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students, and
- The procedure for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.



DISTRICTS' RESPONSIBILITIES UNDER PPRA (CONTINUED)

Under PPRA, the LEA must provide reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by that agency.

At a minimum, the LEA must provide notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive changes in such policies



DISTRICTS' RESPONSIBILITIES UNDER PPRA (CONTINUED)

PPRA also requires LEAs:

- To adopt policies to protect student privacy in the event of the administration or distribution of any survey containing questions that ask students to reveal information from one of the eight PPRA-protected areas;
- To provide notification to parents, at least annually, at the beginning of the school year, of the specific or approximate dates during the school year when such a survey is scheduled or expected to be scheduled and an opportunity for parents to opt their students out of participation in any such survey.



PPRA RESOURCES

AVAILABLE AT [HTTPS://STUDENTPRIVACY.ED.GOV](https://studentprivacy.ed.gov)

[Model Notification of Rights Under the Protection of Pupil Rights Amendment \(PPRA\)](#)

[Technical Assistance on Student Privacy for State and Local Educational Agencies When Administering College Admissions Examinations \(2018\)](#)



WE'RE HERE TO HELP

SPPO's Privacy Technical Assistance Center (PTAC) is available to provide technical assistance and support.

<http://studentprivacy.ed.gov/>

- Help Desk (privacyTA@ed.gov)



Questions?



