



# UNITED STATES DEPARTMENT OF EDUCATION

## STUDENT PRIVACY POLICY OFFICE

**SPPO-21-01**

### **Protection of Pupil Rights Amendment (PPRA)**

*Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

#### *Rights of Parents under PPRA*

PPRA (20 U.S.C. § 1232h, 34 CFR Part 98) affords parents of students certain rights regarding, among other things, participation in surveys, the collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following eight protected areas (protected information survey) if the survey is funded as part of a program administered by the U.S. Department of Education (Department) (applicable program) –
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or student's parent; or
  8. Income, other than as required by law to determine program eligibility.
- *Receive notice* and an opportunity to *opt a student out* of –
  1. Any protected information survey administered or distributed to a student by a local educational agency that is a recipient of funds under an applicable program (LEA) if the protected information survey is either not funded as part of a program administered by the Department or is funded as part of a program administered by the Department but to which a student is not required to submit;
  2. Any non-emergency, invasive physical examination or screening required by an LEA as a condition of attendance; administered by the school and scheduled by the school in advance; and, that is not necessary to protect the immediate health and safety of a student, with some exceptions; and
  3. Activities of an LEA involving collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or to otherwise distribute such information to others for that purpose), with some exceptions.

- *Inspect*, upon request –
  1. Protected information surveys and surveys created by a third party, before the administration or distribution by an LEA of the surveys to a student;
  2. Any instrument used by an LEA to collect personal information for the purpose of marketing or sale (or otherwise distributing such information for that purpose), before the instrument is administered or distributed to a student, with some exceptions; and
  3. Instructional material, excluding academic tests or academic assessments, used by an LEA as part of the educational curriculum for a student.

These rights transfer from the parents to the student when the student turns 18 years old or becomes an emancipated minor under applicable State law.

#### *Requirements of LEAs under PPRA*

LEAs are required to develop and adopt policies, in consultation with parents, to address the protection of student privacy and parents' rights under PPRA, including those discussed above. In addition, LEAs must directly notify parents of these policies at least annually, at the start of each school year, and within a reasonable period after any substantive change to the policies.

LEAs must also directly notify, such as through U.S. Mail or email, parents of students who are scheduled or expected to be scheduled to participate in any of the activities or surveys listed below and must provide an opportunity for parents to opt their child out of participation. LEAs must make this notification to parents at least annually at the beginning of the school year, and this notification must include the specific or approximate dates when the activities or surveys are scheduled or expected to be scheduled. For activities or surveys that are scheduled after the school year starts, LEAs must provide parents with reasonable notification and an opportunity to review, as well as an opportunity to opt their child out. These activities and surveys involve:

- Collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or otherwise distributing such information to others for that purpose), with some exceptions;
- Administration or distribution to a student of any protected information survey not funded as part of a program administered by the Department or funded as part of a program administered by the Department but to which students are not required to submit; and
- Certain non-emergency, invasive physical examinations or screenings, as described above.

Parents who seek additional resources on student privacy under PPRA may visit the Department's Student Privacy Policy Office website at <https://studentprivacy.ed.gov/>. Parents who believe their PPRA rights have been violated may file a complaint online by selecting the PPRA complaint form option at <https://studentprivacy.ed.gov/file-a-complaint> or by mailing the form to the following address:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202