

## Protection of Pupil Rights Amendment (PPRA) Notice

As required by federal and state law, Richmond Public Schools ("RPS") must annually provide parents and students eighteen (18) years old or older ("eligible students") effective notice of their rights under the Protection of Pupil Rights Amendment ("PPRA"), 20 U.S.C. §1232h at the beginning of each academic year. The PPRA affords parents certain rights regarding RPS' administration of surveys, the collection and use of information for marketing purposes, and the administration of certain physical exams.

### Parental Right to Consent

Under the PPRA, RPS is required to obtain prior written consent from parents before students are required to submit to a survey, analysis, or evaluation that concerns one or more of the eight protected areas listed below ("protected information survey"), if the survey is funded in whole or in part by funds from the United States Department of Education ("USDOE"). The eight protected areas are as follows:

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 relationships, such as those with 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).

### Parental Right to Receive Notice and Opt Out

In addition, under the PPRA parents must also receive notice and allow the parents the opportunity to opt a student out of the following specific surveys and activities:

- Administration of any protected information survey that is not funded in whole or in part by the USDOE, and/or in which the funding comes from any source, but that contain questions from one or more of the above referenced eight protected areas.
- Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
- Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered by the school division 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.

The PPRA also requires that RPS notify parents of the specific or approximate dates of the survey and provide the parent(s) the opportunity to opt his or her child out of participating.

Parents also have the right to review, upon request, any instructional materials used in connection with any survey that concerns one or more of the eight protected areas above and those used as a part of the educational curriculum.

If RPS is unable to identify the specific or approximate dates of the activities or surveys requiring specific notification at the beginning of the school year, RPS must provide this notification to parents once the activity or survey is scheduled. Parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their child out of taking the survey, as well as be provided with an opportunity to review any pertinent surveys.

RPS must “directly” notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys listed above and provide an opportunity for parents to opt their child out of participation in the specific survey or activity.

Parental Right to Inspect Upon Request and Before Administration or Use

The PPRA gives the parents the right to inspect, upon request, the following before administration of or use of by RPS:

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instruction material used as part of the educational curriculum.

To inspect one or all of the above, please direct your request to the Office of the Director for Assessment. The phone number to that office is 804-780-7889. You will be contacted by someone from that office to set up a mutually agreeable time when your request will be honored.

PPRA does not apply to any physical examination or screening that is permitted or required by Virginia law, including such examinations or screenings permitted without parental notification. Additionally, “the requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do 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 the following:

- College or other postsecondary education recruitment, or military recruitment.
- Book clubs, magazines, and programs providing access to low-cost literacy products.
- Curriculum and instructional materials used by elementary schools and secondary schools.
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
- The sale by students of products or services to raise funds for school-related or education-related activities.
- Student recognition programs.”<sup>1</sup>

All of the rights set out above that are accorded to the parents under the PPRA transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Parents, or eligible students, who believe that their rights have been violated under the PPRA, may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Please be advised that the PPRA does not replace or preempt Virginia laws that require parental notification. Additionally, please be advised that RPS has adopted procedures regarding these rights and procedures to protect student privacy in the administration of protected information surveys and collection, disclosure, or use of personal information for marketing, sales, and other distribution purposes. Further, RPS follows any applicable Virginia statutes and regulations pertaining to the safeguarding of such information.

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<sup>1</sup> Source: U.S. Department of Education-FPCO Hot Topics, Last Modified 4-07-2006