

PROTECTION OF PUPIL RIGHTS AMENDMENT

Definitions

- Eligible student means a student who has reached the age of 18 or become an emancipated minor under applicable State law.
- Instructional material means instructional content that is provided to a student regardless of format, including printed or representational materials, audiovisual material, and material in electronic or digital formats (such as materials accessible through the internet) e.g teacher's manuals, films, tapes, or other supplementary materials which will be used in connection with any survey, analysis, or evaluation. The term does not include academic tests or academic assessments.
- Parent means a parent of a student and includes a natural parent, a guardian or an individual acting as a parent in absence of a parent or guardian.
- Personal information means individually identifiable information. This includes but is not limited to a student or parents first or last name, a home or physical address (including street name and the name of a city or town; a telephone number; or a social security identification number.)

Protection of Pupil Rights Amendment

The District adheres to the Protection of Pupil Rights Amendment (PPRA), a federal law that affords parents and eligible students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. An overview of these rights follow:

1. Receive regular notification of the district policies on PPRA;
2. Provide input in the development of this policy;
3. Consent to federally funded surveys concerning protected information. The District must obtain written consent from the parent or eligible student prior to requiring the student to participate in a survey that is funded in whole or part by a program administered by the Department of Education (Department) if the survey concerns one or more of the following protected areas of information ("protected information survey");
 - a. Political affiliations or beliefs of the student or the student's parent;
 - b. Mental or psychological problems of the student or student's family;
 - c. Sex behaviors or attitudes;
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. Critical appraisals of others with whom respondents have close family relationships;
 - f. Legally recognized, privileged or analogous relationships, such as with lawyers, doctors, or ministers;
 - g. Religious practices, affiliations, or beliefs of the student or the student's parents/guardians; or
 - h. Income, other than is required by law to determine program eligibility.
4. Opt out of certain surveys and exams, even if not federally funded. Parents and eligible students must receive advance notice of any of the following activities and

have the right to opt out of them:

- a. Any protected information survey, regardless of funding;
- b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, administered by the district 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; and
- c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. 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 the District.

5. Inspect certain materials. Upon requests, parents and eligible students have the right to inspect the following before the District administers or uses them:

- a. Protected information of surveyed students;
- b. Surveys created by a third party;
- c. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- d. Instructional materials used as part of the educational curriculum.

Notification

The District shall directly notify parents and eligible students of this policy at least annually at the beginning of the school year, either through U.S. mail or e-mail, and shall provide updates within a reasonable time period after any substantive changes to the policy.

In this notification, the District must inform parents and eligible students of the specific or approximate dates when the activities or surveys are scheduled or expected to be scheduled during the school year. For surveys and activities scheduled after the school year starts, parents and eligible students will be provided reasonable notification of the planned activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys and shall be provided an opportunity to opt their child out of the following activities and surveys:

1. 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;
2. 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
3. Certain non-emergency, invasive physical examinations or screenings as described above.

Inspection of Surveys/Instructional Materials

Parents or eligible students who wish to exercise their right to inspect surveys and instructional materials as provided above may do so by sending a written request to the

building principal. The principal shall respond to requests within a reasonable period of time after receiving the request and arrange for the parent or eligible student to inspect the applicable materials at the school or district administrative office.

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parent or eligible student.

Protection of Student Privacy

The Superintendent or designee shall ensure that applicable district confidentiality and data protection policies are in place to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, selling, or other distribution purposes.

All survey requests shall be submitted to the Superintendent or designee for review and/or approval. Surveys created by a third party or entity must receive board approval prior to district administration or distribution to students. The Superintendent shall develop criteria to determine if the administration of the survey is appropriate and beneficial for district students and employees, and is conducted in accordance with state or federal law and district policy.

Violation of Rights

Parents or eligible students who believe their rights under the PPRA have been violated may file a complaint with the Superintendent or designee.

Complaints may also be filed with:

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-4605

Complementing NDSBA Templates (may contain items not adopted by the Board)

- FGA, Student Education Records & Privacy
- GAAA, Curriculum Design & Evaluation
- GCC-AR, Criteria for Considering Third Party Student Surveys and Research
- GCC-E1, Model Notification of Rights Under the Protection of Pupil Rights Amendment
- GCC-E2, PPRA Model Notice and Consent/Opt-Out for Specific Activities
- GCC-E, Model Notification of Rights Under the Protection of Pupil Rights Amendment

End of Manvel School District #125 Policy GCC **Adopted: 3/11/19**

Updated: 4/22

CRITERIA FOR CONSIDERING THIRD PARTY STUDENT**SURVEYS AND RESEARCH**

Surveys and educational studies can serve as a valuable tool for determining student needs and developing educational services. The Superintendent shall take the following criteria into consideration when a request has been made to conduct a survey and/or research studies:

1. The study/survey is conducted for the purpose of improving the education or general welfare of students;
2. The party proposing the study/survey has a purpose and mission that is in keeping generally with the district's mission, goals, and objectives;
3. The study/survey proposal is sufficient in scope and depth to justify the use of the time and effort of district students and staff;
4. The party conducting the study/survey will provide a copy of the survey instrument and/or any instructional material that will be used including, but not limited to, textbooks, teachers' manuals, films, software, and/or other supplementary material. Such material must be provided prior to the initiation of the survey/study and in a timely manner, allowing the Superintendent and other relevant school officials ample opportunity to review such material, and comply with any applicable parental notification and consent requirements under the Protection of Pupil Rights Amendment (PPRA) if the survey concerns a protected area or is for marketing purposes;
5. Neither the study/survey nor its findings are reasonably predicted to exploit or compromise the safety of district students or staff; and
6. The party conducting the study/survey agrees to provide a copy of the outcome/results to the District within a reasonable time after the study/survey's completion.

The Superintendent shall also take into account the amount of instructional time the survey/study will consume, if it will unduly disrupt district operations and/or the educational environment, the level of supervision the District will have to provide to third parties conducting the survey/study, the amount of protected/confidential information that will be gathered, and whether or not the agency conducting the survey/study has developed appropriate safeguards for collection, protection, disclosure, and use of protected/confidential information.

Teachers may use surveys in classes to determine student knowledge and/or attitudes prior to teaching **provided that administrative approval has been given and** provided that responses will not be used in a manner that would breach student confidentiality requirements under law and/or district policy.

REGULATION

Descriptor Code: GCC-AR

End of Manvel School District 125.....Administrative Regulation GCC-AR [3/14/22]

**MODEL NOTIFICATION OF RIGHTS UNDER THE
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

PPRA affords parents certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (Department):
 - a. Political affiliations or beliefs of the student or student's parent;
 - b. Mental or psychological problems of the student or student's family;
 - c. Sex behavior or attitudes;
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. Critical appraisals of others with whom respondents have close family relationships;
 - f. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
 - g. Religious practices, affiliations, or beliefs of the student or parents; or
 - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
 - a. Any other protected information survey, regardless of funding;
 - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the District 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; and
 - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. 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 the District.
3. Inspect, upon request and before administration or use:
 - a. Protected information surveys of students and surveys created by a third party;

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

These rights transfer from parents to a student who is 18 years old or an emancipated minor under State law.

Manvel School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The District shall directly notify parents of these policies at least annually at the start of each school year and within a reasonable time after any substantive changes. The District shall also directly notify, either through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt their child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

The following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales, or other distribution;
2. Administration of any protected information survey not funded in whole or in part by the Department; and
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

PPRA Model Notice and Consent/Opt-Out for Specific Activities

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **Manvel School District** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight protected areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent/guardians;
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 the student’s parent/guardian; or
8. Income, other than as required by law to determine program eligibility.

This parental notification requirement and opt-out opportunity also applies to the collection, disclosure or use of personal information collected from students for marketing purposes (“marketing surveys”). Please note that parents are not required by PPRA to be notified about 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. Additionally, the notice requirement applies to the conduct of certain physical exams and screenings. This includes any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the District or its agent, and not necessary to protect the immediate health and safety of a student. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.

The following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the District will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities, an opportunity to opt their child out, as well as an opportunity to review the surveys. This notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.

NOTE: The following are only examples of PPRA notices and consent/opt-outs that may be used by districts for protected information surveys or marketing surveys. The school will need to tailor their notices and consent/opt outs depending on their specific activities, as required by PPRA.

Example 1: This notice is for surveys that contain questions from one or more of the eight protected areas noted above. If the survey is not administered as part of an applicable program of the U.S. Department of Education or the student is not required to submit to the survey, then the school should remove the consent section and include the opt-out notice.

Date: [Date]

Grades: [Grade levels]

Activity: [Name of survey]

Summary

[Provide the purpose of the survey and what is being requested.]

This survey is administered as part of an applicable program of the U.S. Department of Education. Students are required to submit to this survey. Prior written consent is required.

Parents or eligible students who wish to exercise their right to inspect the survey and/or instructional materials may do so by sending a written request to the building principal at **[provide the building principal's telephone number, email address, etc.]**. The principal shall respond to requests within a reasonable period of time after receiving the request and arrange for the parent or eligible student to inspect the applicable materials at the school or district administrative office.

Consent

NOTE: Include this section only for protected information surveys that are administered as part of an ED program and to which the student is required to submit. Delete the opt-out section of this form prior to distributing to parents.

A parent must sign and return the consent below no later than **[insert return date]** so that your child may participate in this survey.

I _____ give my consent for my child,
, to participate in the **[survey name]** on **[date]**.

Parent's signature

Date

Please return this form no later than **[date]** to the following school official: **[Provide school official title and mailing address.]**

Opt-out

NOTE: If the survey is not administered as part of an applicable program of the U.S. Department of Education or the student is not required to submit to the survey, then the school must include the opt-out notice. Delete the consent section of this form prior to distributing to parents.

[Option 1: A parent must sign and return this opt-out form no later than {return date}.] [Option 2: Contact {school official title} at {telephone number, email, address, etc.} no later than {date} if you do not want your child to take the {survey name} on or about {date}.]

I, _____, do not grant permission for my child,
_____, to participate in the **[survey name]** on **[date]**.

Parent's signature

Date

Example 2: For marketing surveys

NOTE: Certain information that would not generally be considered harmful or an invasion of privacy if disclosed – such as names, addresses, and telephone listings – may be designated as “directory information” in a public notice under the Family Educational Rights and Privacy Act (FERPA) and subsequently disclosed if the parents do not opt out of the disclosure. Instead of using a format similar to that set forth in these Model Notices, the District may meet PPRA notice requirements for specific marketing activities that involve only the disclosure of designated “directory information” by allowing parents to opt out of the disclosure of the designated “directory information” at the start of each school year; if the parents opt-out of the disclosure of their children’s or their “directory information,” then the school may not disclose their children’s or their “directory information” for marketing activities. In addition to the “directory information” notice discussed above, under applicable PPRA requirements, please note, however, that the District must also directly notify parents of the specific or approximate dates during the school year when the marketing activities are scheduled or expected to be scheduled.

Date: [Date]

Grades: [Grade levels]

Activity: [Name of survey]

Summary

[Provide the purpose of the survey and what is being requested.]

Parents or eligible students who wish to exercise their right to inspect the marketing survey may do so by sending a written request to the building principal at **[provide the building principal's telephone number, email address, etc.]**. The principal shall respond to requests within a reasonable period of time after receiving the request and arrange for the parent or eligible student to inspect the applicable materials at the school or district administrative office.

Opt-out

[Option 1: A parent must sign and return this opt-out form no later than {return date}.] [Option 2: Contact {school official title} at {telephone number, email, address, etc.} no later than {date} if you do not want your child to participate in this marketing activity on {date}.]

I, _____, do not grant permission for my child,
_____, to participate in the **[survey name]** on **[date]**.

Parent's signature

Date

Please return this form no later than **[insert date]** to the following school official:
[School official title and mailing address.]

NOTE: While some of the information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA), Districts that permit marketing activities that involve the disclosure of students’ Social Security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with § 99.30 of the FERPA regulations.