

## **GCC: Protection of Pupil Rights Amendment**

### **Definitions**

- *Eligible student* means a student who has reached the age of 18 or becomes 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 materials, and materials in electronic or digital formats (such as materials accessible through the Internet), e.g., teacher's manuals, films, tapes, or other supplementary material, 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 the absence of a parent or a guardian.
- *Personal Information* means individually identifiable information. This includes, but is not limited to, a student or parent's first or last name; a home or physical address (including street name and the name of the city or town; a telephone number; or a social security identification number.

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

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 follows:

1. Receive regular notification of the districts 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" ☐):
  - i. Political affiliations or beliefs of the student or student's parent;
  - ii. Mental or psychological problems of the student or student's family;
  - iii. Sex behavior or attitudes;
  - iv. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - v. Critical appraisals of others with whom respondents have close family relationships;
  - vi. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
  - vii. Religious practices, affiliations, or beliefs of the student or student's parents/guardians; or
  - viii. Income, other than as 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:
  - i. Any protected information survey, regardless of funding;

- ii. 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
  - iii. 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; and
- 5. Inspect certain materials. Upon request, parents and eligible students have the right to inspect the following before the District administers or uses them:
  - i. Protected information surveys of students;
  - ii. Surveys created by a third party;
  - iii. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - iv. 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 the 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 or 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 or 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 parents 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

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

- FGA, Student Education Records
- GAAA, Curriculum Design & Evaluation
- GCC-E, Model Notification of Rights Under the Protection of Pupil Rights Amendment