

The Protection of Pupil Rights Amendment (PPRA)

This federal law provides parents with important rights relative to surveys and certain non-emergency physical examinations conducted by schools that receive federal funds from the Dept. of Education.

The Protection of Pupil Rights Amendment (PPRA) is a statute originally enacted in 1978 that provides parents with important rights regarding surveys performed by schools. Such surveys may be [overly intrusive and personal](#) or may collect information for purposes [other than those represented](#). The PPRA and a second federal law known as [FERPA](#) are enforced by the [Family Policy Compliance Office](#) (FPCO) of the US Dept. of Education. Complaints regarding PPRA violations, including non-notification (failing to annually notify parents of their rights under the PPRA), must be filed by mail to the FPCO. The PPRA applies to any school that receives funds from the US Dept. of Education. A summary of the PPRA is located [here](#). In 2002, Phyllis Schlafly of the Eagle Forum made the observation that [compliance with the law has been spotty](#) ever since its inception.

The PPRA statute as it existed prior to January 2002 is available [here](#). The law, [as amended in January 2002](#) (the No Child Left Behind Act of 2001), significantly strengthened the rights of parents, as follows:

- It now requires written parental consent prior to administering ED-funded surveys that include questions falling into any of the following eight categories:
 1. political affiliations or beliefs of the student or the student's parent;
 2. mental and 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 or analogous relationships, such as those of 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).
- It now provides for the first time rights regarding surveys *not funded by the US Dept. of Education*. Schools are required to develop and adopt policies - *in conjunction with parents* - regarding the following -
 1. 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.
 2. Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey, if the survey contains one or more of the same eight items of information noted above.
 3. The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students.

4. The administration of physical examinations or screenings that the school may administer to students.
 5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose.
 6. The right of parents to inspect, upon request, any instrument used in the collection of information, as described in number 5.
- Local educational agencies (LEAs) must "directly" notify parents of these policies and, at a minimum, shall provide the notice at least annually, at the beginning of the school year--a sample notification and consent/opt-out examples are provided [here](#). The LEA must also notify parents within a reasonable period of time if any substantive change is made to the policies.
 - In the notification, the LEA shall offer an opportunity for parents to opt out of (remove their child) from participation in the following activities:
 1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
 2. The administration of any third party (non-Department of Education funded) survey containing one or more of the above described eight items of information.
 3. Any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.
 - In the notification, the LEA shall notify parents the specific or approximate dates during the school year when these activities are scheduled.

The Wisconsin Dept. of Public Instruction prepared these [instructions/guidelines](#) on surveys and the PPRA for school officials in January 2003.

Surveys in Public Schools--Application of the PPRA

To better understand what might constitute a violation of PPRA, here are several recent examples where surveys have been given or are planned to be given in public schools:

[School Survey in Virginia--2003](#) This site discusses a survey to be given to Fairfax County, Virginia high school students in April 2003. Although Fairfax County Attorney David Bobzien ruled that no federal funds are involved in the survey and that it is therefore "a local initiative not requiring informed parental consent," the survey would likely violate the PPRA as amended in January 2002 if students were not allowed to opt out of taking it.

[Alleged Violation of PPRA in Minnesota--2002](#) This site describes what appears to be a recent violation of the PPRA that occurred at the Mahtomedi, Minnesota High School in September 2002. Freshmen were shown two videos on homosexuality, then assigned to complete an "assessment" (translation--survey) to determine if they "harbored hidden biases toward straight people, or against gay people." The survey is posted at [tolerance.org](#).

[Alleged Violation of PPRA in Ohio--2000](#) Parents sued an Ohio school district after their children were given an intrusive survey--although their original PPRA complaint was dismissed because the survey in question was not federally funded, the parents and the school board reached a settlement while the case was on appeal. Note that since passage of the NCLB Act, the PPRA now applies to *all surveys*, not just those performed using DOE funds.

[Intrusive Survey in Connecticut--2000](#) The New Milford, Connecticut, school district gave students as young as 11 the "Youth Risk Behavior Survey". Administrators claim they complied with the PPRA (which requires parental consent for federally-funded surveys) by sending a letter home advising parents that they could opt their children out of the survey, but the letter gave no warning that some questions would be explicit and many parents claim they never saw it. Under the new provisions of the NCLB Act, the schools would now require "active consent" from parents prior to administering such a survey.

[Survey in New York State](#) This site details the chronology of events during 1999 and 2000 after it was decided that a "Youth Risk Behavior Survey" would be given to local students in grades 7 through 12. The survey included questions related to sex, drugs and alcohol.

[Violation of PPRA in New Jersey--1999](#) This rather extensive site documents what happened after an intrusive anonymous survey was given in the Ridgewood, NJ School District in 1999 using Dept. of Education funds. The FPCO ruled that the PPRA had been violated and the incident ultimately resulted in the passage of a NJ state law that provides even more protection for the rights of NJ students than guaranteed by the PPRA. In June 2004 a [Federal District Court held](#) that students' and parents' rights were not violated because the survey was "voluntary and anonymous", but an [appeal was filed](#) in September 2004 claiming the survey was not in fact administered in a strictly voluntary and anonymous manner.

[Violation of PPRA in Texas--1999](#) This site summarizes a case brought against the San Antonio School District for violation of the PPRA that occurred when high school students were given an intrusive psychological survey that asked personal questions such as "Do you ever wish you were a boy or girl instead of what you are?"

What You Should Do

Parents--talk to your kids, and find out if they are being given surveys that ask questions that fall into any of the categories listed above. Students--if you're given surveys, even anonymous ones, that you feel are too personal or intrusive, tell your parents. Let's keep the schools focused on education!

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See more information by visiting the Department of Education at the following link for parents:
<http://www.ed.gov/policy/gen/guid/fpc/index.html>

Experiencing any parenting issues that clearly violate the law and your basic rights? Connect with many others at your local county level, your own state level, and/or by general categories of similar interest. This material is provided as a free informational service to educate American parenting needs, as public domain for protecting and preserving the Family. Please visit us on the Internet at <http://unitedcivilrights.org>

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