

2415.05 PUPIL SURVEYS, ANALYSIS
AND/OR EVALUATIONS

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education.

Consent

PPRA requires written consent from parent of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils before such pupils are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following eight areas referred to as “protected information surveys”:

1. Political affiliations or beliefs of the pupil or pupil’s parent;
2. Mental or psychological problems of the pupil or pupil’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, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the pupil or parents; 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).

This consent requirement also applies to the collection, disclosure or use of pupil information for marketing purposes, referred to as “marketing surveys,” and for certain physical examinations and screenings.

Prior approval of the Superintendent is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the superintendent with details of the survey methodology, its specific educational purpose and a description of how the results will be disseminated and applied.

For all surveys the identity of the respondent shall remain confidential.

“Opt a Pupil Out” Notice

The parents of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils will be provided an opportunity to opt out of participating in:

1. The collection, disclosure, or use of personal information obtained from pupils for marketing, to sell, or otherwise distribute information to others;
2. The administration of any other “protected information survey” not funded in whole or in part by the United States Department of Education; and
3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a pupil, except for hearing, vision, scoliosis screenings, or any physical examination or screening permitted or required under State law.

Inspection

The parents of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils, upon request and before administration or use, have the right to inspect:

1. Protected information surveys of pupils;
2. Instruments used to collect personal information from pupils for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

The Superintendent or designee shall be responsible for obtaining the consent, annual direct notification to parents and eligible pupils at the start of each school year and after any substantive changes of the “opt a pupil out” rights and the inspection rights provisions of PPRA and this Policy.

The “opt a pupil out” notice shall include any specific or approximate dates of the activities eligible for a pupil to “opt out.”

PPRA Consent/Opt Out Violations

The Superintendent may develop regulations to implement this policy that include reasonable timelines for parents/guardians to access and review surveys as prescribed by law, and arrangements to protect pupil privacy in the administration of a survey.

This policy and the regulations shall be made available to the public, to parents / guardians and to district staff. The public shall be informed within a reasonable period of time if substantive change is made to this policy and regulations. The public shall also be informed of specific or approximate dates, if known, when surveys may be administered.

Parents or pupils who believe their rights under PPRA may have been violated may file a complaint with United States Department of Education.

The Protection of Pupil Rights Amendment (PPRA)

(20 U.S.C. §1232h; 34 CFR Part 98)

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act.

Approved: November 20, 2007

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