

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

[LEAs should adopt the following model form as appropriate]

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **[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 areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
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 relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or the student’s parent; or
8. Income, other than as required by law to determine program eligibility.

This parental notification requirement and opt-out opportunity also apply 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 school 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.

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 **[School 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. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

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

[For surveys that contain questions from one or more of the eight protected areas noted above:]

Date: On or about **[Add date.]**
Grades: Eight and Nine
Activity: ABC Survey of At-Risk Behaviors.

Summary: This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

[Note to schools: We recommend that the notice inform parents that they may submit a request to a specified school official or office in order to review the protected information survey and that the school official or office will notify the parent of the time and place where the parent may review this. A parent has the right, upon request, to review this protected information survey.]

[Note to schools: If the survey in question is administered as part of an applicable program of the U.S. Department of Education (ED program), such as through an ED-administered grant program and the student is required to submit to the survey, prior “active” consent is required, as in the first example. If the survey is not administered as part of an ED program or the student is not required to submit to the survey, then the school should use the second example of an opt-out notice.]

Consent [only for protected information surveys that are administered as part of an ED program and to which the student is required to submit]: A parent must sign and return the consent below no later than [insert return date] so that your child may participate in this survey.

[Sample consent:

I [parent’s name] give my consent for [child’s name] to take the ABC Survey of At-Risk Behaviors on or about [Add date].

Parent’s signature

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

Opt-out [for any protected information survey that is not administered as part of an ED program or to which the student is not required to submit]: A parent must sign and return this opt-out form no later than [insert return date] [OR] Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to take the ABC Survey of At-Risk Behaviors on or about **[Add date]**.

[For marketing surveys:]

[Note to schools: 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 or eligible students do not opt out of the disclosure. Instead of using a format similar to that set forth in these Model Notices, schools *may* meet PPRA notice requirements for specific marketing activities that involve only the disclosure of designated “directory information” by allowing parents or eligible students to opt out of the disclosure of the designated “directory information” at the start of each school year; if the parents or eligible students 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 school districts 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: **[Add date.]**

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: **[School]** collects and discloses, or allows businesses to collect, use, or disclose personal information collected from students, including names, addresses, telephone listings and Social Security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

[Note to schools: If this collection of personal information from students involves a marketing survey, we recommend that the notice inform parents that they may submit a request to specified school official or office to review the marketing survey and that specified school official or office will notify the parent of the time and place where the parent may review this. A parent has the right, upon request, to review this marketing survey before it is administered or distributed to a student.]

Opt-out : A parent must sign and return this opt-out form no later than **[insert return date]** **[OR]** Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this marketing activity on [Add date].

Consent: A parent also must sign and return the attached consent form no later than [insert return date] in order for your child’s Social Security number to be disclosed for this marketing activity.

[Sample consent:]

I [parent’s name] give my consent for [child’s name] to be disclosed to businesses that provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products, on [Add date].

Parent's signature

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

[Note to schools: 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), schools 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.]