

Guidance and Procedures Number: 48

Title: Protection of Pupil Rights Amendment (PPRA)

(a.k.a., “Student Rights in Research, Experimental Programs, and Testing”)

Date of Last Revision: July 5, 2007

I. Summary of the PPRA Regulations

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs and institutions that receive funding from the U.S. Department of Education (ED). PPRA is intended to protect the rights of parents and students.

PPRA requires that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate.

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires schools to notify parents and obtain consent or allow the parent to opt his/her 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 parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

II. Investigators’ Responsibilities

Investigators are responsible for obtaining parental consent prior to conducting survey, analysis or evaluation of the eight protected areas defined above.

Regulations:

34 CFR 98 (http://www.access.gpo.gov/nara/cfr/waisidx_03/34cfr98_03.html)

45 CFR 46

References:

US Department of Education’s Protection of Pupil Rights Amendment (PPRA) Information Page (<http://www.ed.gov/policy/gen/guid/fpco/ppra/index.html>)

US Department of Education, *Recent Changes Affecting FERPA & PPRA*, April 2002. (<http://www.ed.gov/policy/gen/guid/fpco/pdf/changes-ferpa-ppra.pdf>)