

LEGAL EXPLAINER #8

SURVEYS AND SCHOOLS: UNDERSTANDING PARENTAL RIGHTS AND THE PPRA

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What does the PPRA require?

The Protection of Pupil Rights Amendment (PPRA) gives parents and guardians important rights when public schools administer surveys or collect sensitive student information, including:

- Giving parents the right to inspect:
 - a. All “instructional materials”^{*} (1) used in any survey, analysis, or evaluation involving their child, 20 U.S.C. § 1232h(a), or (2) used as educational curriculum, § 1232h(c)(1)(C).
 - b. All protected information surveys (even if created by a third party), § 1232h(c)(1)(A).
- Requiring written parental consent before a student is required to take part in any survey, analysis, or evaluation that asks about one of the eight sensitive topics below,[†] § 1232h(b).
- Giving parents the right to opt their child out of surveys, evaluations, or data collection activities on the eight topics below. § 1232h(c)(2)(A)(ii).

When does this apply?

- Applies to any survey, analysis, or evaluation (written or oral) that asks about any of the following topics (20 U.S.C. §§ 1232h(b) and 123h(c)(1)(B)):

^{*} “[I]ncluding teacher’s manuals, films, tapes, or other supplementary material.” 20 U.S.C. § 1232h(a).

[†] “Applicable program” means any program that the DOE is in charge of running or overseeing under federal law.

1. Political affiliations or beliefs of the student or the student's parent;
 2. Mental or 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 as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
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What must school districts do?

- Adopt policies to notify parents of their PPRA rights at the start of the year and after any changes to the policies. 20 U.S.C. § 1232h(c)(2)(A).
- Notify parents of the specific or approximate dates when surveys concerning the eight categories above are scheduled or expected to be scheduled. 20 U.S.C. § 1232h(c)(2)(C).



When does this apply and what are the options for public school parents?

- This includes any written or oral survey, analysis, or evaluation that reveals information about any of the eight categories listed in the PPRA.
- Parents also have a right to inspect, upon request, any survey created by a third party before the survey is administered or distributed to a student. Parents may opt students out in writing.
- Parents have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation given in school.

What if my rights are violated?

- Parents can file a complaint with the Student Privacy Policy Office (SPPO) at the U.S. Department of Education by sending the completed PPRA complaint form* to PPRA.Complaints@ed.gov.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* Find the PPRA Complaint Form at this link: <https://studentprivacy.ed.gov/file-a-complaint>.

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit

