

Everything You Always Wanted to Know About PPRA

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PPRA (Protection of Pupil Rights Amendment)

The Protection of Pupil Rights Amendment (PPRA) is designed to protect the privacy of students in surveys, medical exams, and commercial marketing programs. PPRA applies to all schools (except postsecondary schools) that receive funding from the U.S. Department of Education or participate in surveys funded in any amount by the U.S. Department of Education. Depending on the information collected, the PPRA mandates that schools comply with opt-in or opt-out requirements. PPRA presumes parental consent and requires only an opt-out opportunity for a non-required survey that serves no educational purpose, such as a marketing survey—or one that uses students as research subjects for purely social science research—that could generate sensitive information.

The PPRA is intended to protect the rights of parents and students in two ways:

1. To ensure 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.
2. To ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:
 - Political affiliations;

- Mental and psychological problems;
- Sex behavior and attitudes;
- Illegal, anti-social, self-incriminating and demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

While FERPA (the Family Educational Rights and Privacy Act) requires schools to keep what they know about students confidential, PPRA is primarily concerned with what information a school gathers or maintains about a student in the first place.

Currently, the PPRA and FERPA allow schools to disclose student names, addresses and phone numbers for commercial purposes after providing parents with an opt-out opportunity. Directory information such as student mailing and telephone lists should be released only for educational reasons, and schools should carefully scrutinize the requester's professed need for the student mailing or telephone list.