

## INSTRUCTIONAL RESOURCES AND MATERIALS-PPRA

Dear Parent/Guardian:

This letter is to provide you with the required annual notification of your rights under the Protection of Pupil Rights Amendment (PPRA) and to offer you an opportunity to opt out your child's participation in surveys that ask questions from any of PPRA's protected areas.

### **Parental inspection of certain materials**

Parents of district students have the right to inspect all instructional materials including teacher's manuals, films, tapes or other supplementary materials which will be used in connection with any survey, analysis or evaluation as part of any applicable program.

The district will make the materials available for inspection at appropriate locations.

The district will not require any student as part of any applicable program to submit to a survey, analysis or evaluation that reveals information concerning items prohibited by law cited in the references below.

The district will give parents and students effective notice of their rights under the law.

### **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to: Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-

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 of students;
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.

### **Receive notice and opportunity to opt a student out of –**

1. Any other protected information survey, regardless of funding;
2. 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
3. immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and

4. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

**Inspect, upon request and before administration or use –**

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

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

Dorchester School District Two has adopted policies, to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Dorchester School District Two will directly notify parents of these policies at least annually at the start of each school year and after and substantive changes. Dorchester School District Two will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Dorchester School District Two will make this notification to parent at the beginning of the school year if the District has identified the specific or approximate dates of activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- ◆ Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- ◆ Administration of any protected information survey not funded in whole or in part by ED.
- ◆ Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5901

If you have any questions or concerns regarding this letter of notification, please do not hesitate to contact my office at your earliest possible convenience.

Sincerely,

Joseph R. Pye, Superintendent  
Adopted 8/87; Revised 6/14/93, ^07/24/06

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Legal references:

20 U.S.C. Code, Section 1232h, as amended:

SEC.439.

- (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.
- (b) No student shall be required, as part of any applicable program, to submit to a survey, analysis or evaluation that reveals information concerning
  - (1) political affiliations;
  - (2) mental and psychological problems potentially embarrassing to the student or his family;
  - (3) sex behavior or attitudes;
  - (4) illegal, anti-social, self-incriminating and 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; or
  - (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.
- (c) educational agencies and institutions shall give parents and students effective notice of their rights under this section
- (d) The law also requires that parents or guardians be allowed to inspect any instructional materials (teacher's manuals, films, tapes, etc.) which will be used in connection with any survey, analysis or evaluation, whether or not it is one requiring prior parental consent. The PPRA requires schools receiving federal funds to establish policies, in consultation with parents, regarding (1) the right of parents to inspect surveys or instructional materials before they are distributed, (2) the administration of physical examinations or screenings of students, and (3) the collection or use of student personal information for the purpose of marketing or selling that information (except where collection is for the purpose of developing or providing educational product or services). Schools must provide parents with reasonable notice of the adoption and use of these policies.
- (e) The PPRA also requires that schools notify parents at least annually at the beginning of the school year of the specific or approximate date that the following activities will take place:
  - The collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information.

- The administration of a survey for which parental consent is required;
- Any non-emergency, invasive physical examination that is required as a condition of attendance, administered by the school, and not required to protect the immediate health and safety of students.
- Parents and guardians also must be notified that they can opt their child out of participating in any of these activities.

The clear intent of this law is to give parents and guardians control over their children's participation in school-sponsored activities aimed at gathering information about the child or his family. Attempts to avoid these requirements by labeling the activity "curriculum" plainly undermine the purpose of protecting child and family privacy. Parents, guardians or students who believe their rights under the PPRA have been violated should contact The Rutherford Institute's Legal Hotline at [legal@rutherford.org](mailto:legal@rutherford.org) or call us at (434) 978-3888.

Additional information on the Protection of Pupil Rights Amendment is available from the U.S. Department of Education at [www.ed.gov/policy/gen/guid/fpco/ppra/index](http://www.ed.gov/policy/gen/guid/fpco/ppra/index)