

## Protection of Pupil Rights Amendment

**Federal Law:** Protection of Pupil Rights Amendment (PPRA)

**Theme:** Education

**Citation:** [20 U.S.C. § 1232h](#); [34 C.F.R. Part 98](#)

Protection of Pupil Rights Amendment aims to protect privacy by placing certain requirements on the collection and subsequent analysis of certain types of data.

### THE LAW

#### What does the law do?

Unlike other federal laws that aim to protect privacy by limiting the disclosure or use of information, the Protection of Pupil Rights Amendment (PPRA) aims to protect privacy by placing certain requirements on the collection and subsequent analysis of certain types of data. PPRA prohibits a state or local education agency from requiring students to provide information on [attitudes, habits, traits, opinions, beliefs or feelings](#) relating to [eight protected topics](#): 1) political affiliations; 2) mental and psychological problems potentially embarrassing to the student or his or her family; 3) Sex behavior and attitudes; 4) illegal, anti-social, self-incriminating and demeaning behavior; 5) critical appraisals of other individuals with whom the student has close family relationships; 6) privileged and analogous relationships (e.g., lawyers, physicians, and ministers); 7) religious practices, affiliations, or beliefs; or 8) income (excluding for eligibility for programs or financial assistance). The law provides parents and eligible students (i.e., at least 18 years old, or an emancipated minor) rights of notice, inspection, and consent (or opt-out) and requires local education agencies to develop and adopt policies addressing specific situations.

#### To whom does the law apply?

[PPRA regulates any program administered by the U.S. Department of Education](#), including programs and activities of state and local educational agencies. The regulations specifically do not apply to the High School Equivalency Program and College Assistance Migrant Program, programs administered by the Rehabilitative Services Administration, or college housing.

#### How is “identifiable” information defined?

PPRA defines “[Personal Information](#)” as individually identifiable information. The law provides a non-exhaustive list of identifiers that includes names, addresses, phone numbers, and social security numbers.

### SHARING OF IDENTIFIABLE DATA

#### Does this law allow identifiable data to be collected or shared?

The PPRA and related regulations permit the collection of identifiable data from studies, a surveys, analyses, or evaluations. However, PPRA and related regulations place additional requirements on the collection of

certain types of information. Additionally, PPRA requires local education agencies to develop local policies to protect student privacy that could further restrict data collection or use, including activities involving physical examinations or screenings, use of personal information marketing or sale of personal information.

### **Among who?**

Not applicable to this law.

### **What are the prerequisites and conditions?**

Under the law, local education agencies must provide parents and eligible students notice of their PPRA rights. If a survey is funded by the Department of Education, a local education agency must obtain prior written consent from parents or eligible students before students are required to submit to a survey that relates to at least one of the eight protected subjects. When a survey is not funded by the Department of Education, the local education agency must notify parents at least annually of the survey and provide parents an opportunity to opt his or her child out of participating.

Local education agencies must notify parents that they have the right to inspect and review any materials used in connection with any survey that relates to at least one of the eight protected subjects. The law also requires local education agencies to work with parents to adopt policies on PPRA rights and protections, including the rights of notice, inspection, and protections for personal information.

## **SHARING OF DE-IDENTIFIED DATA**

### **Does this law allow de-identified information to be shared?**

The PPRA does not clearly distinguish between the collection and use of identifiable and de-identified information. The term “personal information,” defined as “individually identifiable information,” is primarily used in the context of the sale of student information or student information used for marketing.

### **Does this law define de-identification or standards to render the data de-identified?**

The PPRA provides a non-exhaustive list of identifiers (i.e., names, addresses, phone numbers, and social security numbers). Consequently, removal or suppression of these and other direct or indirect identifiers could be sufficient to render student personal information de-identified under PPRA.

## **DATA SHARING IMPLICATIONS FOR PUBLIC HEALTH**

### **Does this law support data collection or sharing to improve the health of communities?**

The law contains a narrow exception that permits certain data collection, disclosure, or use for the purpose of developing, evaluating, or providing educational products or services, including tests and assessments to provide [“provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.”](#)

### **How does this law hinder data collection or sharing to improve the health of communities?**

The requirements and limits contained in PPRA relate to several areas of significant public health importance, including sexual and reproductive health, behavioral health, substance abuse, and mental health.

Requirements of notice, inspection, and parental opt-out could place additional administrative burdens on the effective public health surveillance of these issues.

**Does this law establish prerequisites, conditions, or limitations for data sharing, not previously identified?**

Not applicable to this law.

**What other terms apply to sharing this data?**

Not applicable to this law.

**What remedies or solutions might be employed to support data collection or sharing while complying with this law?**

Federal guidance on the PPRA includes [model notice and opt-out forms](#) that local education agencies can adapt for their purposes.

**What ethical considerations apply to the exercise of discretion to collect or share data under this law?**

The PPRA relates to certain types of information that are frequently deemed to be sensitive and could serve as the basis for prejudicial or discriminatory treatment. As opposed to other privacy laws that protect subsequent use and disclosure of existing administrative data, PPRA relates to data collection activities. Consequently, it affects individuals wishing to preserve their privacy as well as individuals with poorly understood health issues that might desire or benefit from increased public health surveillance. To the extent that certain PPRA provisions affect the reliability or validity of ongoing public health surveillance or prevent implementation of new public health surveillance systems, the PPRA might conflict with the [2017 WHO Guidelines on Ethical Issues in Public Health Surveillance](#).



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Additional information on PPRA can be found [here](#).

**SUPPORTERS**

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation.

This document was developed by Cason Schmit, Research Assistant Professor, Texas A&M University and reviewed by Jennifer Bernstein, Deputy Director, Mid-States Region of The Network for Public Health Law. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.