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2415.05 PUPIL SURVEYS, ANALYSIS AND/OR EVALUATIONS

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education.

Consent

PPRA requires written consent from parents/legal guardians and pupils who are eighteen years old or emancipated minor pupils before students are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following eight areas referred to as "protected information surveys":

1. Political affiliations or beliefs of the pupil or pupil's parent;
2. Mental or psychological problems of the pupil or pupil'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 with lawyers, physicians, and ministers;



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7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

This consent requirement also applies to the collection, disclosure or use of pupil information for marketing purposes, referred to as "marketing surveys", and for certain physical examinations and screenings.

"Opt a Pupil Out" Notice

The parents and eligible pupils will be provided an opportunity to opt a pupil out of participating in:

1. The collection, disclosure, or use of personal information obtained from pupils for the purpose of marketing, or for selling, or otherwise distributing information to others;
2. The administration of any other "protected information survey" not funded in whole or in part by the United States Department of Education; and
3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a pupil, except for hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under State law.



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Inspection

The parents and eligible pupils, upon request and before administration or use, have the right to inspect:

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

The Paterson Public School District shall be responsible for obtaining the consent, annual direct notification to parents and eligible pupils at the start of each school year and after any substantive changes of the "opt a pupil out" rights and the inspection rights provisions of PPRA and this Policy. The "opt a pupil out" notice shall include any specific or approximate dates of the activities eligible for a pupil to "opt out."

PPRA Consent/Opt Out Violations

Parents or students who believe their rights under PPRA may have been violated may file a complaint with the United States Department of Education.

The Protection of Pupil Rights Amendment (PPRA)
(20 U.S.C. §1232h; 34 CFR Part 98)
No Child Left Behind Act of 2001, Title X, Part F, §1061
N.J.S.A. 18A:36-34
N.J.A.C. 6A:16-1.4(c)

Adopted: 19 December 2007


