

1 **PROTECTION OF PUPIL RIGHTS ACT (PPRA) POLICY – STUDENT SURVEYS &**
2 **MEDICAL EXAMS PRIVACY, AND PARENTAL ACCESS TO INFORMATION**
3

4 The Protection of Pupil Rights Act (PPRA) affords certain rights to parents and students eighteen
5 (18) years of age or older (“eligible students”) with regard to **surveying of students, the collection**
6 **and use of information from students for marketing purposes, and certain non-emergency**
7 **medical examinations** surveys, if the survey is funded in whole or in part by a program of the
8 U.S. Department of Education that ask questions of a personal nature.
9

10 In an effort to protect and honor expectations of student privacy, Mountain Home School District
11 No. 193 (MHSD) will ensure that student information is safeguarded and used only by appropriate
12 educational authorities to serve the best interest of the student.
13

14 **DEFINITIONS**
15

16 For purposes of this policy, the following definitions apply:
17

18 **Parent** ~~Includes a natural parent, guardian, or an individual acting in the absence of a parent or~~
19 ~~a guardian, who is providing the student with food, clothing, discipline, and guidance on a day-to-~~
20 ~~day basis in the home environment.~~
21

22 **Eligible Student or Appropriate Student** – A student **over the age of eighteen (18) or an**
23 **emancipated minor under Idaho law** ~~who has attained 18 years of age, or is married, or is~~
24 ~~attending an institution or post-secondary education.~~
25

26 **Instructional Material** – Instructional material that is provided to a student, regardless of format,
27 including printed or representational materials, audio-visual materials, and materials in electronic

28 or digital formats (such as materials accessible through the Internet). This does not include
29 academic tests or academic assessments.

30
31 ~~PPRA requires schools and contractors make instructional materials available for inspection by~~
32 ~~parents if those materials will be used in connection with a Department of Education funded in~~
33 ~~whole or part, survey, analysis, or evaluation in which their children participate, and that schools~~
34 ~~and contractors obtain prior written parental consent before minor students are required to~~
35 ~~participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals~~
36 ~~information concerning the eight areas identified below.~~

37
38 **Invasive Physical Examination** – is defined as any medical examination that involves the
39 exposure of private body parts, or any act during such examination that includes incision, insertion,
40 or injection into the body, but does not include a hearing, vision, or scoliosis screening.

41
42 **Personal Information** – means individually identifiable information, including a student’s or
43 parent’s first and last name; a home or other physical address (including a street name and
44 the name of the city or town); a telephone number; or a social security number.

45
46 **ANNUAL NOTIFICATION REQUIREMENTS**

47
48 The PPRA requires that parents or eligible students be directly notified at least annually at the
49 beginning of the school year, by direct mailing, e-mail, website, or etc., of their right to consent or
50 opt-out of the participation in certain school activities and the specific or approximate dates of
51 each activity. For surveys and activities scheduled after the school year starts, parents will
52 be provided with reasonable notification of the planned activities and surveys listed below
53 and an opportunity to opt their child out of such activities and surveys.

54
55 Prior written parental consent will be obtained before minor students are required to participate in
56 any U.S. Department of Education funded survey, analysis, or evaluation that reveals information
57 concerning any of the following eight protected areas:

58

59 ~~**Protected Areas**—Surveys that contain questions about one or more of the eight protected areas~~
60 ~~and are funded in whole or in part by Department funds, must obtain prior written consent from~~
61 ~~parents before students are required to submit to the survey. The eight protected areas are:~~

62

63 1. Political affiliations or beliefs of the student or the student’s parent;

64

65 2. Mental or psychological problems of the student or the student’s family ~~or potentially~~
66 ~~embarrassing to the student or the student’s family;~~

67

68 3. Sex behavior or attitudes;

69

70 4. Illegal, anti-social, self-incriminating, or demeaning behavior;

71

72 5. Critical appraisals of other individuals with whom respondents have close family relationships;

73

74 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians,
75 and ministers;

76

77 7. Religious practices, affiliations, or beliefs of the student or student’s parent; or

78

79 8. Income, other than that required by law to determine eligibility for participation in a program
80 or for receiving financial assistance under such program.

81

82 ~~The PPRA addresses the collection and use of information from students for marketing purposes~~
83 ~~and certain non-emergency medical examinations. The requirements of PPRA do not apply to a~~
84 ~~survey administered to a student in accordance with the Individuals with Disabilities Education~~
85 ~~Act (IDEA).~~

86

87 These requirements do not supersede any of the requirements of FERPA.

88

89 **Parents will receive notice and opportunity to opt a student out of:**

- 90
- 91 **1. Any other protected information survey, regardless of funding;**
- 92
- 93 **2. Any non-emergency, invasive physical exam, or screening required as a condition of**
- 94 **attendance, administered by the school or its agent, and not necessary to protect the**
- 95 **immediate health and safety of a student, except for hearing, vision, or scoliosis**
- 96 **screenings, or any physical exam or screening permitted or required under state law; and**
- 97
- 98 **3. Activities involving collection, disclosure, or use of personal information obtained from**
- 99 **students for marketing or to sell or otherwise distribute the information to others.**

100

101 ~~**Invasive Physical Examination**—Any medical examination that involves the exposure of private~~

102 ~~body parts, or any act during such examination that includes incision, insertion, or injection into~~

103 ~~the body, but does not include a hearing, vision, or scoliosis screening.~~

104

105 ~~**Aggregate Data** – means data collected and/or reported at the group, cohort, or institutional level.~~

106 ~~Aggregate data does not include Personally Identifiable Information (PII).~~

107

108 ~~**Data System**— means the state's elementary, secondary and postsecondary longitudinal data~~

109 ~~systems.~~

110

111 ~~**Personally Identifiable Data (Personal Information)**— Personally identifiable student data or~~

112 ~~Personally Identifiable Information (PII) includes, but is not limited to:~~

- 113
- 114 ~~1. The student's name;~~
- 115
- 116 ~~2. The name of the student's parent or other family members;~~
- 117
- 118 ~~3. The address of the student or student's family;~~
- 119
- 120 ~~4. Telephone number;~~

- 121
- 122 ~~5. A personal identifier, such as the student's social security number, student education unique~~
123 ~~identification number or biometric record;~~
124
- 125 ~~6. Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden~~
126 ~~name; and~~
127
- 128 ~~7. Other information that, alone or in combination, is linked or linkable to a specific student that~~
129 ~~would allow a reasonable person in the school community, who does not have personal~~
130 ~~knowledge of the relevant circumstances, to identify the student with reasonable certainty or~~
131 ~~information requested by a person who the educational agency or institution reasonably~~
132 ~~believes knows the identity of the student to whom the education record relates.~~
133
- 134 ~~8. The Family Educational Rights and Privacy Act (FERPA) provides guidelines and allows~~
135 ~~certain personally identifiable data or PII and directory information be released.~~
136

137 **Student Data**—means data collected and/or reported at the individual student level included in a
138 student's educational record. Student data includes:

- 139
- 140 ~~1. State and national assessment results, including information on untested public school~~
141 ~~students;~~
142
- 143 ~~2. Course taking and completion, credits earned and other transcript information;~~
144
- 145 ~~3. Course grades and grade point average;~~
146
- 147 ~~4. Date of birth, grade level and expected graduation date/graduation cohort;~~
148
- 149 ~~5. Degree, diploma, credential attainment and other school exit information such as general~~
150 ~~educational development and drop-out data;~~
151

- 152 ~~6. Attendance and mobility;~~
153
154 ~~7. Data required to calculate the federal four (4) year adjusted secondary cohort graduation rate,~~
155 ~~including sufficient exit information;~~
156
157 ~~8. Discipline reports limited to objective information sufficient to produce the federal annual~~
158 ~~incident reports, children with disabilities disciplinary reports and discipline reports including~~
159 ~~students involved with firearms;~~
160
161 ~~9. Remediation;~~
162
163 ~~10. Special education data;~~
164
165 ~~11. Demographic data and program participation information; and~~
166
167 ~~12. Files, documents, images or data that are stored in or transmitted through a cloud computing~~
168 ~~service.~~

170 **Student Educational Record** ~~means all information directly related to a student and recorded~~
171 ~~and kept in the data system, as that term is defined in this policy. A student educational record may~~
172 ~~include information considered to be personally identifiable. A student's educational record, as~~
173 ~~defined under this policy, **shall not** include:~~

- 174
175 ~~1. Juvenile delinquency records and criminal records unless required;~~
176
177 ~~2. Medical and health records;~~
178
179 ~~3. Student social security number;~~
180
181 ~~4. Student biometric information;~~
182

183 ~~5. Gun ownership records;~~

184

185 ~~6. Sexual orientation; and~~

186

187 ~~7. Religious affiliation.~~

188

189 ~~**Student Education Unique Identification Number** — means the unique student identifier~~
190 ~~assigned by the state to each student that shall not be or include the social security number of a~~
191 ~~student in whole or in part.~~

192

193 ~~**ACCESS TO STUDENT DATA**~~

194

195 ~~Access to student data in the student data system shall be restricted to:~~

196

197 ~~1. The district and its private vendors who require access to perform their assigned duties;~~

198

199 ~~2. Authorized staff of the Idaho State Board of Education (SBE) and the Idaho State Department~~
200 ~~of Education (SDE) and their vendors who require such access to perform their assigned duties;~~

201

202 ~~3. Public postsecondary staff who require such access to perform their assigned duties;~~

203

204 ~~4. Students and their parents or legal guardians; and~~

205

206 ~~5. The authorized staff of other state agencies in Idaho as required by law and/or defined by~~
207 ~~interagency data sharing agreements.~~

208

209 ~~Upon request, the district will provide parents/guardians with copies of their child's educational~~
210 ~~records if the child has not attained the age of eighteen (18) years, unless otherwise prohibited by~~
211 ~~law or court order.~~

212

213 Unless otherwise approved by the SBE, student data maintained shall remain confidential and any
214 approval of the SBE to release personally identifiable student data shall be subject to legislative
215 approval prior to the release of such information.

216
217 Student data released in response to public reports and records, research, and data requests must
218 include aggregate data only.

219
220 The district shall include a provision in all contracts that govern databases, online services,
221 assessments, special education or instructional supports with private vendors that private vendors
222 are permitted to use aggregated data or an individual student's data only in those instances where
223 the vendor receives written permission from the student's parent or legal guardian. The contract
224 shall also include either of the following provisions:

225
226 1. A prohibition on any secondary uses of student data by the private vendor including, but not
227 limited to, sales, marketing or advertising, but permitting the private vendor to process or
228 monitor such data solely to provide and maintain the integrity of the service; or

229
230 2. A requirement that the private vendor disclose in detail any secondary uses of student data
231 including, but not limited to, sales, marketing or advertising, and the board shall obtain express
232 parental consent for those secondary uses prior to deployment of the private vendor's services
233 under the contract.

234
235 **TRANSFER OF STUDENT DATA**

236
237 Unless otherwise approved by the state board of education, any data deemed confidential pursuant
238 to this policy shall not be transferred to any federal, state or local agency or other organization or
239 entity outside of the state of Idaho, with the following exceptions:

240
241 1. A student transfers out of state or a school or district seeks help with locating an out of state
242 transfer;

243

- 244 2. ~~A student leaves the state to attend an out-of-state institution of higher education or training~~
245 ~~program;~~
246
- 247 3. ~~A student voluntarily participates in a program for which such a data transfer is a condition or~~
248 ~~requirement of participation;~~
249
- 250 4. ~~The SBE or the SDE may share such data with a vendor to the extent it is necessary as part of~~
251 ~~a contract that governs databases, online services, assessments, special education or~~
252 ~~instructional supports with a vendor;~~
253
- 254 5. ~~Pursuant to a written agreement between the two (2) school districts, where a student transfers~~
255 ~~from an Idaho district abutting upon another state to the nearest appropriate district in such~~
256 ~~neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or~~
257
- 258 6. ~~A student is classified as "migrant" for reporting purposes as required by the federal~~
259 ~~government in order to assure linkage between the various states of migrant students'~~
260 ~~educational records.~~

261

262 **ANNUAL NOTIFICATION REQUIREMENTS**

263

264 ~~The PPRA requires that parents or eligible students be directly notified at least annually at the~~
265 ~~beginning of the school year, by direct mailing, e-mail, website, or etc., of their right to consent or~~
266 ~~opt-out of the participation in certain school activities physical examinations or screenings that the~~
267 ~~school may administer to students, and the specific or approximate dates of each activity. Mountain~~
268 ~~Home School District (MHSD) will meet this requirement by publishing this notification, at the~~
269 ~~beginning of the school year, on the school webpage and in the Mountain Home Newspaper, as~~
270 ~~well as having it available during registration.~~

271

272 **SPECIFIC NOTIFICATION**

273

274 The PPRA requires parents are provided an opportunity to opt his or her child out of participation
275 in a specific event or survey. This notice might be included in the annual notice if MHSD has
276 identified the specific or approximate dates of the activities or surveys. Thereafter, parents will be
277 provided reasonable notification of the planned activities and surveys and be provided an
278 opportunity to opt their child out, as well as an opportunity to review any pertinent surveys.

279
280 **RIGHT TO INSPECT**

281
282 **Upon request**, parents or eligible students have the right to inspect, ~~upon request, and~~ prior to any
283 administration or use: protected information surveys of students; instruments used to collect
284 personal information from students for any of the above marketing, sales, or other distribution
285 purposes; ~~or any instrument used in the collection of information; a survey created by a third party~~
286 ~~before the survey is administered or distributed by a school to students;~~ any instructional materials
287 used in connection with any survey that concerns one or more of the protected areas; and any
288 instructional material used as part of the educational curriculum for the district ~~and students; any~~
289 ~~physical examinations or screenings that the school may administer to students. This does not~~
290 ~~apply to academic tests or academic assessments.~~

291
292 This does not apply to academic tests or academic assessments.

293
294 **RIGHT TO CONSENT OR OPT OUT**

295
296 Parents or eligible students, upon completion and submission of the Consent/Opt-Out for Specific
297 Activities Form, have the right to opt out of participating in events or activities involving the
298 collection, disclosure, or use of personal information for marketing, sales, or providing the
299 information to others for these purposes, or distribution purposes; any non-emergency, invasive
300 physical examination or screening (any physical examination or screening that is permitted or
301 required by state law is permitted without parental notification) that is an attendance requirement,
302 or administered by the school and scheduled by the school in advance, or not necessary to protect
303 the immediate health and safety of the student, or of other students; the administration of any
304 survey containing one or more of the eight protected areas of information listed above and that is

305 ~~not funded in whole or in part by Department funds to include a third party (non Department of~~
306 ~~Education funded) survey. If the survey is funded in whole or in part by Department of Education~~
307 ~~funds, the district must obtain active consent, and may not use an opt-out form.~~

308
309 ~~The requirements concerning activities involving the collection and disclosure of personal~~
310 ~~information from students for marketing purposes do not apply to the collection, disclosure, or use~~
311 ~~of personal information collected from students for the exclusive purpose of developing,~~
312 ~~evaluating, or providing educational products or services for, or to, students or educational~~
313 ~~institutions, such as the following:~~

- 314
315 ~~1. College or other postsecondary education recruitment, or military recruitment;~~
316
317 ~~2. Book clubs, magazines, and programs providing access to low cost literary products;~~
318
319 ~~3. Curriculum and instructional materials used by elementary schools and secondary schools;~~
320
321 ~~4. Tests and assessments used by elementary schools and secondary schools to provide cognitive,~~
322 ~~evaluative, diagnostic, clinical, aptitude, or achievement information about students;~~
323
324 ~~5. The sale by students of products or services to raise funds for school related or education-~~
325 ~~related activities; and~~
326
327 ~~6. Student recognition programs.~~

328
329 ~~It is the policy of MHSD to assure the provisions of PPRA are adhered. These procedures are~~
330 ~~available to all patrons, students, and school district employees on the school district website.~~

331
332 ~~The Family Educational Rights and Privacy Act (FERPA) provides guidelines and allows certain~~
333 ~~personally identifiable data or PII and directory information be released.~~

334
335 **DEVELOPMENT OF POLICIES**

336
337 MHSD will **develop**, when necessary or as required, and with parental input, adopt policies
338 regarding the rights set forth in the PPRA, as well as arrangements to protect student privacy in
339 the administration of protected surveys and the collection, disclosure, or use of personal
340 information for marketing, sales, or distribution purposes ~~and in compliance with FERPA.~~

341

342



343

344 **LEGAL REFERENCE:**

345 Idaho Code Section:

346 33-133 – Definitions – Student Data – Use and Limitations – Penalties

347 20 U.S.C. § 1232h

348 34 CFR Part 98.3

349 The Protection of Pupil Rights Amendment (PPRA)

350 PPRA: [https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-](https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance)
351 [general-guidance](https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance)

352

353

354

355 **ADOPTED:** April 18, 2006

Revised: November 18, 2008

Revised: April 17, 2012

356 Revised: November 15, 2016

Revised: