

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

This notice informs parents/guardians and eligible students (emancipated minors or those 18 and older) of their rights regarding conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These rights are spelled out in the *Protection of Pupil Rights Amendment* (20 U.S.C. § 1232h; 34 CFR Part 98). The law and regulations require educational institutions, such as Montgomery County Public Schools (MCPS) to notify parents/guardians and eligible students of their right to—

1. *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 (USDE):
 - Political affiliations or beliefs of the student or student’s parent/guardian
 - Mental or psychological problems of the student or student’s family
 - Sexual behavior or attitudes
 - Illegal, antisocial, self-incriminating, or demeaning behavior
 - Critical appraisals of others with whom respondents have close family relationships
 - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
 - Religious practices, affiliations, or beliefs of the student or parents/guardians
 - Income, other than as required by law to determine program eligibility

2. *Receive notice and an opportunity to inspect* any third party survey, protected information survey, instrument collecting student information for the purposes of marketing or selling such information, or instructional material used as part of the student’s educational curriculum.

3. *Receive notice and an opportunity to opt a student out of—*
 - **any other protected information survey, regardless of funding;**
 - **any nonemergency, invasive physical exam or screening required as a condition of attendance administered by the school or its agent and not necessary to protect the immediate health and safety of a student, except for lead, hearing, or vision screening, or any physical exam or screening permitted or required under state law; and**
 - **any activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.**

MCPS developed and adopted policies regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. MCPS will directly notify parents/guardians and eligible students of these policies at least annually at the start of each school year and after any substantive changes.

MCPS also will directly notify parents/guardians and eligible students, by U.S. mail or e-mail, at least annually at the start of each school year, of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in—

- 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 USDE; and
- any nonemergency, invasive physical examination or screening as described above.

Parents/guardians and eligible students who believe their rights have been violated may file a complaint with the—
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605
Phone: 1-800-USA-LEARN (1-800-872-5327)