

Protection of Pupil Rights Amendment (PPRA)

Overview:

The Protection of Pupil Rights Amendment (PPRA; 20 U.S.C. § 1232h; 34 CFR Part 98) applies to any “local educational agency” that receives funding from the U.S. Department of Education. A “local educational agency” means an elementary school, secondary school, school district, or local board of education that is the recipient of funds from the U.S. Department of Education (ED). It does not include postsecondary institutions. PPRA also applies to research funded by the Department of Education. The focus of PPRA is on the requirement for parental consent for the collection of certain sensitive information, such as medical data or sexual attitudes or practices from school children via surveys and evaluations.

Description:

1. Researchers conducting studies in a “local educational agency” that receives any funds from the U.S. Department of Education must ensure that their protocol complies with the PPRA.

Parental consent is required for studies involving surveys, psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:

- Political affiliations or beliefs of the student or the student’s parent
- Mental and psychological problems potentially embarrassing to the student or his or her family
- Sex behavior or attitudes
- Illegal, anti-social, self-incriminating and demeaning behavior
- Critical appraisals of other individuals with whom the student has close family relationships
- Legally recognized privileged and analogous relationships, such as those of lawyers, physicians and ministers
- Religious practices, affiliations, or beliefs of the student or student’s parent
- Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program

The IRB does not have the authority to issue a waiver of informed consent on any of the areas of inquiry set forth above, or to overrule school district policies for implementing PPRA.

Researchers whose studies are subject to PPRA should review the policies of the local educational agency early in the study design process and should consider multiple methods to provide information to parents about their planned study. Parents should be given the opportunity to review the study materials before making a decision to permit their child to participate in the research.

2. For research *not* funded by the U.S. Department of Education but conducted in a local educational agency, the investigator must provide the IRB with a letter of agreement from a school official or the School IRB approval letter (when applicable), indicating that the school has adopted policies required by PPRA, and that the school agrees that the proposed study complies with those policies, which must include the following:
 - a. The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students
 - b. Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey, if the survey contains one or more of the same eight items of the information noted above
 - c. The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students
 - d. The administration of physical examinations or screenings that the school may administer to students

Additional Information:

Code of Federal Regulations, Student Rights in research, Experimental Programs and Testing at 34 CFR 98: <http://www.gpo.gov/fdsys/pkg/CFR-2009-title34-vol1/xml/CFR-2009-title34-vol1-part98.xml>

20 U.S.C. § 1232h, United States Code, Protection of Pupil Rights:

<http://www.gpo.gov/fdsys/granule/USCODE-2010-title20/USCODE-2010-title20-chap31-subchapIII-part4-sec1232h/content-detail.html>