



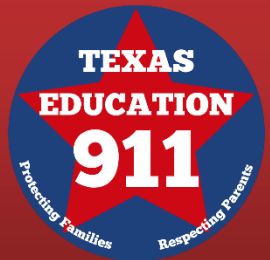
**What Parents Need to Know:  
Student Data Privacy & Protection of  
Pupil Rights Amendment (PPRA)**

**2024/2025**





# Student Data Privacy Concerns?



Parents statewide have raised alarm over intrusive daily student wellness surveys, student check-ins, mental health questionnaires and other similar instruments that probe students for sensitive information. Protective state law has been proposed (HB 789, Swanson). Until it is passed, federal law may protect your student.

How are you feeling today on a scale from 1 to 10 (1 - today is the worst day of my life and things will never get better, 10 - this is the best day of my life and things will always be this great)

1 2 3 4 5 6 7 8 9 10

○ ○ ○ ○ ○ ○ ○ ○ ○ ○

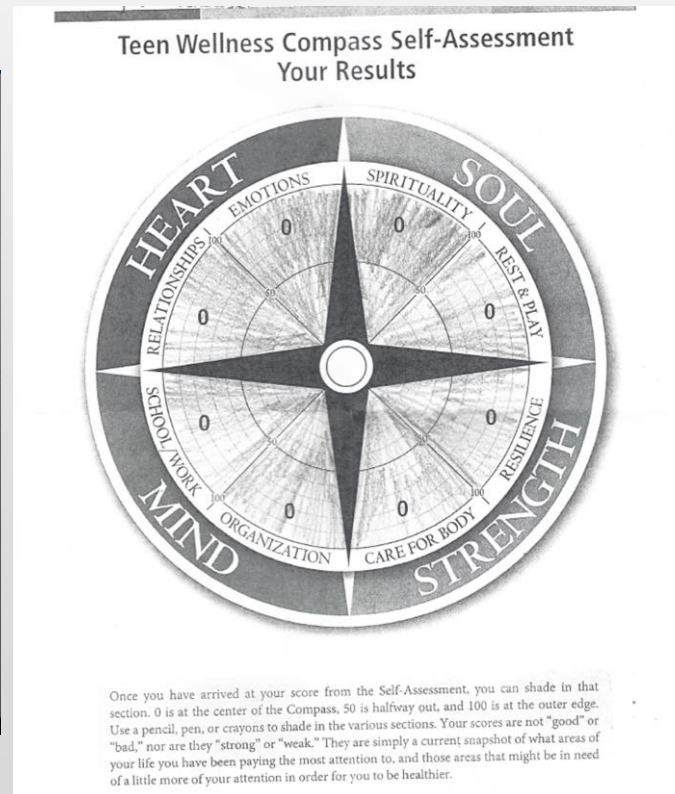
What emotions are causing you to feel this way (stressed, anxious, excited, nervous, worried, angry, upset, hurt, depressed, confused, optimistic, proud, happy, calm, etc.)?

Your answer

Is there anything you want me to know about you and your well-being today?

Your answer

Submit Clear form



Teachers,

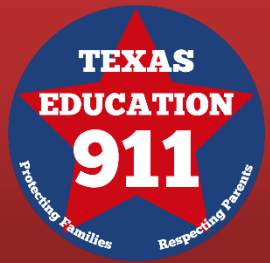
Each time I meet with a student that is on my caseload, I will be completing a well-being status in Aries (per district expectations).

You will be able to see the well-being status under the student's attendance in Aries.

**This status is confidential and NOT to be shared with the parents or the student.**

Additionally, the well-being status is only a snapshot of the status at the time that I met with the student.

# What Every Parent Needs to Know About The federal Protection of Pupil Rights Amendment (PPRA) – Part 1



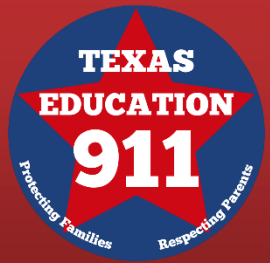
## Establishes **eight protected areas**

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

<https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance>

<https://www.ecfr.gov/current/title-34/subtitle-A/part-98>

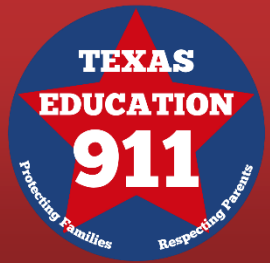
# Federal: Protection of Pupil Rights Amendment (PPRA) – Part 2



**Right to Consent before** students are required to submit to a survey that concerns one or more of the **eight protected areas** (protected information survey) if the survey is funded as part of a program administered by the U.S. Department of Education

<https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance>  
<https://www.ecfr.gov/current/title-34/subtitle-A/part-98>

# Federal: Protection of Pupil Rights Amendment (PPRA) – Part 3



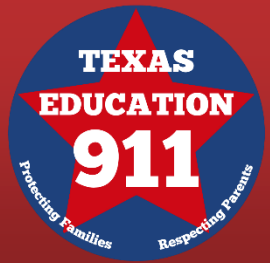
## Right to Receive notice and an opportunity to **opt** a student **out** of:

1. Any protected information survey administered or distributed to a student by an local educational agency (LEA) that is a recipient of funds under an applicable program;
2. Any non-emergency, invasive physical examination or screening required by an LEA as a condition of attendance; administered by the school and scheduled by the school in advance; and, that is not necessary to protect the immediate health and safety of a student, with some exceptions; and
3. Activities of an LEA involving collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or to otherwise distribute such information to others for that purpose), with some exceptions.

<https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance>

<https://www.ecfr.gov/current/title-34/subtitle-A/part-98>

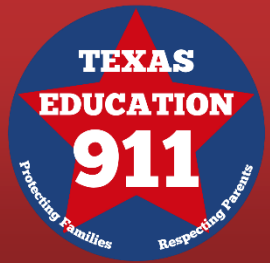
# Federal: Protection of Pupil Rights Amendment (PPRA) – Part 4



## Right to Inspect, upon request:

1. Protected information surveys and surveys created by a third party, before the administration or distribution by an LEA of the surveys to a student;
2. Any instrument used by an LEA to collect personal information for the purpose of marketing or sale (or otherwise distributing such information for that purpose), before the instrument is administered or distributed to a student, with some exceptions; and
3. **Instructional material, excluding academic tests.**

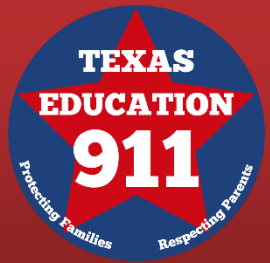
# Federal: Protection of Pupil Rights Amendment (PPRA) – Part 5



- ❖ LEAs must also directly notify, through U.S. Mail or email, parents of students who are scheduled or expected to be scheduled to participate in any of the activities or surveys and must provide an opportunity for parents to opt their child out of participation.
- ❖ LEAs must make this notification to parents at least annually at the beginning of the school year, and this notification must include the specific or approximate dates when the activities or surveys are scheduled or expected to be scheduled.
- ❖ For activities or surveys that are scheduled after the school year starts, LEAs must provide parents with reasonable notification and an opportunity to review, as well as an opportunity to opt their child out.



# Federal: Protection of Pupil Rights Amendment (PPRA) – Part 6

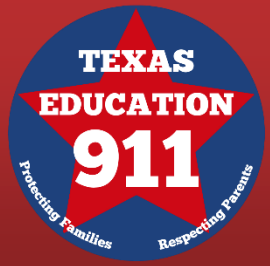


These activities and surveys involve:

- Collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or otherwise distributing such information to others for that purpose), with some exceptions;
- Administration or distribution to a student of any protected information survey not funded as part of a program administered by the Department or funded as part of a program administered by the Department but to which students are not required to submit; and
- Certain non-emergency, invasive physical examinations or screenings, as described above.

<https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance>  
<https://www.ecfr.gov/current/title-34/subtitle-A/part-98>



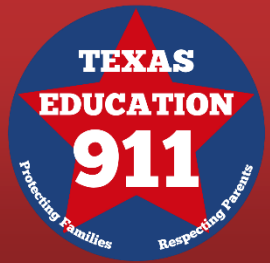


# PROPOSED LAW

## TX 89<sup>th</sup> Legislature HB 789: Surveys – Part 1

### Definitions

- ❖ **"Psychological or psychiatric examination or test"** means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.
- ❖ **"Psychological or psychiatric treatment"** means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

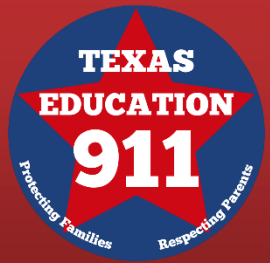


# TX 89R HB 789: Surveys – Part 2

- ❖ An employee or contractor of a school district must obtain the **written, signed consent** of a child's parent for each separate activity described by this subsection in which the child will participate before the employee or contractor may:
  1. conduct a **psychological or psychiatric** examination or test or psychological or psychiatric treatment, **with respect to the child**, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education; or
  2. make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.
  
- ❖ **Written consent** for a parent's child to participate in a district activity must be obtained for each separate activity in which the child participates, and each written consent must be signed by the parent and returned to the district. A child may not participate in the activity unless the district receives the parent's signed written consent to that activity. The district must retain every consent obtained by a child's parent.
  
- ❖ An employee of a school district is not required to obtain the **written consent** of a child's parent before verbally asking the child about the child's general well-being
  
- ❖ The term "check-in" does not include such an inquiry.
  
- ❖ Nothing in this section may be construed to affect:
  1. a child's consent to counseling under Section 32.004, Family Code; or
  2. the duty to report child abuse or neglect under Chapter 261, Family Code, or an investigation of a report of abuse or neglect under that chapter.

<https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=89R&Bill=HB789>

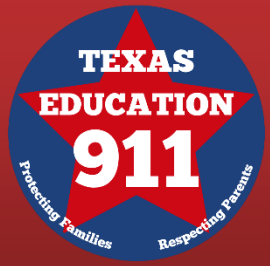
# Until Texas Law is Passed Recommended Board Policy-Surveys



**“Protected Categories”** is defined as political affiliations; mental and psychological problems; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals; legally recognized privileged or analogous relationships; religious practices, affiliations, or beliefs of the student or student's parent; and Income

**Before** a student may be provided with any **survey** including **protected categories**, \_\_\_\_\_ ISD will obtain the written, signed consent of the student's parent. A request for written consent under this subsection:

- (1)** may not be included with any other notification or request for written consent provided to the parent; and
- (2)** must be provided to the parent not later than the **14th** day before the date on which the survey is conducted.



# Family Educational Rights and Privacy Act (FERPA)

- Prohibits the improper disclosure of **Personally Identifiable Information (PII)** derived from education records
  - Opt Out of Directory Information
  - Opt Out of Pictures
- School Districts declare entities “legitimate educational purpose” and escape all consequences for violating FERPA
- What about yearbooks? Speak to your ISD to clarify whether or not your student may be pictured in the school yearbook.

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>





[www.TexasEd911.com](http://www.TexasEd911.com)