The Protection of Pupil Rights Act ("PPRA"), 20 U.S.C. § 1232 H, provides parents and guardians the right to inspect certain instructional materials and requires the District to notify parents and guardians and obtain their consent or allow their student to opt out of participating in certain activities. Parents or guardians shall receive notice of the right to inspect instructional materials annually at the beginning of each school year, as well as in any notice of a scheduled activity described in Section C1., below. In the annual notice, the District will list all known activities, the specific or approximate dates during the school year when the activities are scheduled or expected to be scheduled, a brief summary of the activity, and whether prior written consent is required or whether the parent or guardian has the right to “opt-out” the student’s participation.

A. Definitions. As used in this policy,

1. “instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational material, audio visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

2. “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

3. “Marketing Surveys” means any instrument used in the collection, disclosure or use of personal information from students for the purpose of marketing or for selling information or otherwise providing that information to others for that purpose.

4. “parent” means a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

5. “personal information” means individually identifiable information including:

   (a) a student or parent’s first and last name;
   (b) a home or other physical address (including street name and the name of the city or town);
   (c) a telephone number; or
   (d) a Social Security identification number.

6. “student” means any elementary school or secondary school student.

7. “Survey” means any survey, analysis or evaluation as part of any applicable program;
B. The right to inspect materials. Parents and guardians have the right, upon reasonable request, to inspect all instructional materials, including teacher’s manuals, films, tapes or other supplementary material which would be used in connection with (a) any instructional material used as part of the educational curriculum for the student; (b) any Survey and (c) any Marketing Survey.

1. Parents and guardians may request to inspect the instructional materials used as part of the student’s education curriculum at any time by submitting the request in writing to the principal at the student’s school. The request should include the specific class(es) for which the review of the curriculum is requested, as well as the particular subject matters, chapters, or materials the parent or guardian wishes to inspect. Within ten (10) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian’s review of the materials at the administrative offices of the student’s school.

2. Parents and guardians may request to inspect materials or instruments used in connection with surveys and marketing surveys before such materials are administered by submitting a written request to the principal at the student’s school no later than twenty (20) school days prior to the date of the scheduled activity. The request should indicate the specific survey or marketing survey for which the review is requested. Within ten (10) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian’s review of the materials at the administrative office of the student’s school.

C. Required notice, prior written consent/opt-out.

1. Required Notice. Except as provided in Section D below, the District shall notify parents and guardians prior to a student’s participation in the following activities:

   a. surveys, analyses or evaluations that reveal information concerning one or more of the following:

      (i) political affiliations or beliefs of the student or the student’s parent or guardian;
      (ii) mental or psychological problems of the student or the student’s parent or guardian;
      (iii) sex behavior or attitudes;
      (iv) illegal, anti-social, self-incriminating or demeaning behavior;
      (v) critical appraisals of other individuals with whom respondents have close family relationships;
      (vi) legally recognized privileged relationships, such as those of lawyers, physicians and ministers;
      (vii) religious practices, affiliations or beliefs of the student or student’s parents or guardians; or
      (viii) income, other than as required by law to determine program eligibility;

   (hereinafter referred to as “Protected Information”);
b. the collection, disclosure or use of student information for Marketing Surveys; and

c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student.

In the event that an activity described in this section is not listed on the annual notice, the student’s school shall send notice within a reasonable amount of time prior to the scheduled activity.

2. Required Written Consent. For any surveys, analyses or evaluations concerning Protected Information that are funded by the federal Department of Education, the District shall obtain the parent or guardian’s prior written consent before a student may participate.

3. Option to Opt-Out. For any activities listed in Section B. that are not funded by the Department of Education, the District shall provide parents and guardians with a reasonable amount of time after receiving notice of such activities to opt their children out of participating in such activities.

D. Exceptions. The requirements under PPRA do not apply to the following:

1. Marketing Surveys in which the collection, disclosure or use of personal information collected from students is for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as college or other post-secondary educational recruitment or military recruitment; book clubs, magazines and programs providing access to low-cost literary products; curriculum and instructional materials used by elementary schools and secondary schools; tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data, from such tests and assessments; sale of students of products or services to raise funds for school-related or education-related activities; and student recognition programs.

2. Non-emergency physical examination required by the State of New Mexico.

3. Any survey administered to a student in accordance with Individuals with Disabilities Education Act (“IDEA”).
E. **FERPA Compliance.** The requirements of PPRA do not supersede any of the requirements of FERPA. The District shall maintain Protected Information as confidential under applicable laws. The District shall meet PPRA notice requirements for Marketing Surveys that involve only information designated as “directory information” under FERPA by allowing parents and guardians to opt-out of “directory information” at the beginning of each school year. For any Marketing Surveys that involve the collection, use and disclosure of a student’s social security number, the District shall obtain a parent or guardian’s prior written consent before administering the survey to the student.

F. **Rights transfer to students.** The rights provided to parents or guardians under PPRA transfer to the student when the student turns eighteen (18) years old or is an emancipated minor under the laws of the State of New Mexico.

Rio Rancho Public Schools
Adopted: May 15, 2006
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