



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** October 29, 2020

**TO:** Local and Intermediate School District Superintendents  
Public School Academy Directors

**FROM:** Kyle L. Guerrant, Deputy Superintendent  
Finance and Operations KG

**SUBJECT:** Protection of Pupil Rights Amendment

Section 445 of the federal General Education Provisions Act (GEPA) (20 U.S.C. 1232h), which is commonly referred to as the protection of pupil rights amendment (PPRA), requires local education agencies (LEAs) to develop and adopt policies in consultation with parents to address the protection of student privacy and parents' rights.

The PPRA affords parents of elementary and secondary students certain rights regarding the administration of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to:

- the right to consent before students are required to submit to a survey if the survey is funded in whole or in part by a program of the U.S. Department of Education (USED);
- the right to receive notice and an opportunity to opt a student out of any other protected information survey, regardless of funding;
- any non-emergency, 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; and,
- activities involving collection, disclosure, or use of personal information collected from students to market or to sell or otherwise distribute the information to others.

Note that hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law, are allowed to be conducted.

Moreover, parents have the right to inspect, upon request and before administration or use of protected information, surveys of students and surveys created by a third party; instruments used to collect personal information from students for any of the

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above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum. These rights transfer from the parents to a student who is 18 years old or who is an emancipated minor under state law.

The U.S. Department of Education (USED) student privacy policy office has provided a [letter](#) outlining parent rights and LEA responsibilities.

In addition to developing and adopting policies, LEAs must notify parents directly of these policies at least annually, at the start of each school year, and within a reasonable period after any substantive change to the policies. A [sample policy letter](#) is provided by USED.

cc: Michigan Education Alliance  
Confederation of Michigan Tribal Education Directors