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Sent: Wednesday, November 30, 2005 2:25 PM  
To: gallo@optonline.net  
Subject: Protection of Pupil Rights Amendment (PPRA)

The statement made by Columbia is not quite right. ("If your mental health screening program is approved by the Board of Education as part of the educational program, you are not required to get active parental consent under PPRA.")

The question whether "active" consent is required under PPRA is not based on whether the program is part of the school's education program.

Rather, PPRA requires schools to obtain prior written consent ("active") before a student is required to take a survey that is funded by the U.S. Department of Education (in whole or in part) and that asks questions from any of the eight areas listed in the law.

However, it should be noted that the No Child Left Behind Act of 2001 amended PPRA to require that schools "directly notify" parents about any survey - regardless of the funding - being given to their children that includes questions from the eight protected areas. An explanation of the requirements of PPRA are included in the letter that we sent to all superintendents that is on our website: <http://www.ed.gov/policy/gen/guid/fpco/hottopics/index.html>

We don't mean to imply that NCLB took away the active consent part.

Rather, it added to it. The old requirement stands; the new requirements extend consent - but more passive - to any survey, regardless of funding, as long as the school receives funds from any program of the Department, which all public schools do.

Also, the Family Educational Rights and Privacy Act (FERPA) may come into play in some of these situations because FERPA would not permit a school to disclose a student's education records to a mental health provider without prior parental consent.

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