



## Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction  
Hathaway Building, 2nd Floor, 2300 Capitol Avenue  
Cheyenne, WY 82002-0050  
Phone 307-777-7673 Fax 307-777-6234 Website [www.k12.wy.us](http://www.k12.wy.us)

---

### MEMORANDUM NO. 2009-163

**TO:** School District Superintendents

**FROM:** Joe Simpson, Deputy Superintendent of Public Instruction 

**DATE:** October 9, 2009

**SUBJECT:** Family Educational Rights and Privacy Act and the Protection of Pupil Rights Amendment – Model Notifications and guidance from the United States Department of Education

---

The Wyoming Department of Education (“Department”) recently received guidance from the United States Department of Education regarding the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, 34 C.F.R. Part 99 (“FERPA”) and the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h, 34 C.F.R. Part 98 (“PPRA”).

This guidance includes the following information:

- 1) A letter from the United States Department of Education with general information regarding the provisions of FERPA and PPRA;
- 2) Model Notifications of Rights under FERPA;
- 3) Model Notification for publication of Directory Information in accordance with FERPA;
- 4) Model Notification of Rights under PPRA; and,
- 5) Model Notification and Consent Form to conduct a specific survey in accordance with the provisions of the PPRA.

Wyoming school districts are encouraged to use this guidance by the United States Department of Education in complying with the provisions of FERPA and PPRA, including the requirement to annually notify parents and eligible students of their rights under FERPA and PPRA.

A copy of each document as listed above is enclosed within this memo for your review and convenience. If you have questions or concerns regarding the provisions and requirements of FERPA or PPRA, you are encouraged to visit with your local school board’s legal counsel. Thank you.

Attachment



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202

September 2009

Dear Superintendent:

The Department of Education (Department) is required to notify annually each State educational agency (SEA) and each local educational agency (LEA) of their obligations under the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). This letter serves to provide that notification to the LEA and to provide you general guidance and reference information for each of the laws discussed below.

### **The Family Educational Rights and Privacy Act (FERPA)**

Statute: 20 U.S.C. § 1232g. Regulations: 34 CFR Part 99.

FERPA provides that an LEA that receives Department funds may not have a policy or practice of denying parents the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

These rights transfer to the student when he or she turns 18 years of age or enters a postsecondary educational institution at any age (“eligible student”).

LEAs must annually notify parents and eligible students of their rights under FERPA. 34 CFR § 99.7. The annual notification must also include:

- The procedure to inspect and review education records;
- The procedure to request amendment of education records;
- A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if the agency or institution discloses or intends to disclose personally identifiable information to school officials without consent; and,
- The right of parents to file a complaint with the Family Policy Compliance Office (FPCO) in the Department. (A model FERPA notification for LEAs is enclosed and is also available on FPCO’s Web site – [www.ed.gov/policy/gen/guid/fpcoc](http://www.ed.gov/policy/gen/guid/fpcoc).)

If the LEA or educational institution under the LEA discloses directory information from education records without consent, it is required by 34 CFR § 99.37 to notify parents and eligible students of:

- The types of information the LEA (or institution) has designated as directory information (see 34 CFR § 99.3 “Directory information” for definition); and,
- The right to opt out of disclosure of directory information. (A model “directory information” notice is enclosed and is also available on FPCO’s Web site – [www.ed.gov/policy/gen/guid/fpc/](http://www.ed.gov/policy/gen/guid/fpc/).)

LEAs must also comply with FERPA’s redisclosure and recordation provisions, set forth in 34 CFR §§ 99.32 and 99.33, except for disclosures that are specifically exempted.

On December 9, 2008, the Department published final regulations amending FERPA requirements. See the link on our website to the *Federal Register* notice: <http://www.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf>. We also refer you to a section-by-section analysis that explains all of the changes made to the FERPA regulations: <http://www.ed.gov/policy/gen/guid/fpc/pdf/ht12-17-08-att.pdf>. Both of these documents are on FPCO’s website. You should take note of these changes since many of them specifically impact LEAs.

Additionally, please note also that several changes were made to the FERPA regulations that specifically impact SEAs. Specifically, the FERPA regulations published in December modified FERPA’s prohibition on redisclosure of education records (as noted above) by State and local educational authorities, including SEAs. Under the new regulations, State and local educational authorities, as well as the Secretary of Education and other Federal officials and agencies that are listed in § 99.31(a)(3), may redisclose personally identifiable information on behalf of educational agencies and institutions under the longstanding regulatory exception in § 99.33(b), which applied to other parties that receive education records. For our letter to Chief State School Officers describing these changes, see the “Hot Topics” section of the FPCO website. You will also find a link to this letter and all the attachments on that page.

Additionally, outlined below are requirements enacted under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, that do not amend FERPA, but relate to the disclosure of personally identifiable information from students’ education records.

Suspension and expulsion disciplinary records:

- Section 4155 of the ESEA, 20 U.S.C. § 7165(b), as amended, requires that each State that receives funds under the ESEA have “a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.” LEAs should include a notice in their annual notification of rights under FERPA that they forward education records to other schools that have requested the

records and in which the student seeks or intends to enroll (34 CFR §§ 99.7 and 99.34(a)(ii)). (See enclosed model notification of rights.)

- Section 9528 of the ESEA, 20 U.S.C. § 7908, as amended, as well as § 503(c) of 10 U.S.C. § 503, as amended, require LEAs to:
  - give military recruiters the same access to secondary school students as provided to postsecondary institutions or to prospective employers; and,
  - provide students' names, addresses, and telephone listings to military recruiters, when requested, unless a parent has opted out of providing such information. (Military Recruiter Guidance is on FPCO Web site: <http://www.ed.gov/policy/gen/guid/fpc/hottopics/ht10-09-02.html>.)

## **Protection of Pupil Rights Amendment (PPRA)**

Statute: 20 U.S.C. § 1232h. Regulations: 34 CFR Part 98.

PPRA governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations, or beliefs of the student or student's parent; or,
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

The rights under PPRA transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

GENERAL NOTIFICATION – LEAs must provide parents and students effective notice of their rights under PPRA. In addition, PPRA requires that LEAs provide for reasonable notice of the adoption or continued use of the policies described on page four. The LEA must provide such notice at least annually, at the beginning of the school year, and after any substantive change in such policies. This new notification requirement may be included in the PPRA general notification.

The general notification must indicate that PPRA applies to surveys that contain questions about one or more of the eight protected areas listed above. The notification must explain that for surveys that contain questions about one or more of the eight protected areas and that are funded in whole or in part by Department funds, the LEA must obtain prior written consent from parents before students are required to submit to the survey.

The general notification must also indicate that, for surveys that contain questions from one or more of the eight protected areas but are not funded in whole or part by Department funds, the LEA will notify the parent, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when it will administer the survey(s) and provide an opportunity for the parent to opt his or her child out of participating.

In addition, LEAs must notify parents that they have the right to review, upon request, any survey that concerns one or more of the eight protected areas, any instructional materials used in connection with any survey that concerns one or more of the eight protected areas, and any instructional material used as part of the educational curriculum for the student. (A model PPRA general notification for use by LEAs is attached and may also be obtained on FPCO's Web site.)

PPRA was amended in 2001 to give parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. Here are some of the key changes:

- An eighth category of protected information was added to PPRA. See No. 7 above, "religious practices, affiliations, or beliefs of the student or student's parent."
- The following new provisions apply to educational agencies and institutions that receive funds from any Department program.
  - A. LEAs are required to develop and adopt policies – in consultation with parents – regarding the following:
    - 1) 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.
    - 2) Arrangements to protect student privacy that are provided by the LEA in the event of the administration of a survey to students containing one or more of the eight protected items of information noted above (including the right of parents to inspect, upon request, a survey that concerns one or more of the eight protected items of information).
    - 3) The right of parents to inspect, upon request, any instructional material used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access.
    - 4) The administration of physical examinations or screenings that the school may administer to students.
    - 5) The collection, disclosure, or use of personal information (including items such as a student's or parent's first and last name, address, telephone number or social security number) collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose, including the

LEA's arrangements for protecting student privacy in the event of collection, disclosure, or use.

- 6) The right of parents to inspect, upon request, any instrument used in the collection of personal information, as described above in paragraph 5, before the instrument is administered or distributed to a student and the LEA's procedure for granting a parent's request.

B. **SPECIFIC NOTIFICATION** – An LEA must “directly” notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and must provide an opportunity for the parent to opt his or her child out of participation in the specific event or survey. The notification must be provided at least annually at the beginning of the school year and must include the specific or approximate dates during the school year when activities described below are scheduled, or expected to be scheduled. If the LEA is unable to identify the specific or approximate dates of the activities or surveys requiring specific notification at the beginning of the school year, it must provide this notification to parents once the activity or survey is scheduled. Parents should be provided reasonable notification of the planned activities and surveys, and be provided an opportunity to opt their child out, as well as an opportunity to review any pertinent surveys. A model specific notification for use by LEAs is attached and may also be obtained on the Web site noted at the end of this guidance. **LEAs must offer an opportunity for parents to opt their child out of participating in the following activities:**

- Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
- Any non-emergency, invasive physical examination or screening that is:  
1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and 3) not necessary to protect the immediate health and safety of the student, or of other students.
- The administration of any survey containing one or more of the eight protected areas of information listed above and that is not funded in whole or in part by Department funds. (LEAs must obtain active consent, and may not use an opt-out procedure, if the survey is funded in whole or in part with Department funds.)

C. An LEA is not required to develop and adopt new policies if the SEA or LEA has in place on the date of enactment of the amendments to PPRA (January 8, 2002) policies covering the requirements set forth in this law; however, the LEA must still provide annual notice of these policies to parents.

D. The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive

purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

- 1) College or other postsecondary education recruitment, or military recruitment.
  - 2) Book clubs, magazines, and programs providing access to low-cost literary products.
  - 3) Curriculum and instructional materials used by elementary schools and secondary schools.
  - 4) 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.
  - 5) The sale by students of products or services to raise funds for school-related or education-related activities.
  - 6) Student recognition programs.
- E. This law does not preempt applicable provisions of State law that require parental notification.
- F. This law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings permitted without parental notification.
- G. An SEA or LEA may use funds provided under part A of title V of the ESEA to enhance parental involvement in areas affecting the in-school privacy of students, such as reimbursement for costs associated with this direct notification.

#### DEFINITION OF SOME TERMS USED IN PPRA:

“Instructional Material” – instructional material that is provided to a student, regardless of format, including printed or representational materials, 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.

“Invasive Physical Examination” – 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.

“Personal Information” – individually identifiable information including –

- (1) a student’s or parent’s first and last name;
- (2) a home or other physical address (including a street name and the name of a city or town);
- (3) a telephone number; or,
- (4) a social security number.

The Family Policy Compliance Office (FPCO) in the Department administers both FERPA and PPRA. Our address and telephone number are as follows:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-8520  
(202) 260-3887

Informal inquiries may be sent to FPCO via the following email addresses: [FERPA@ED.Gov](mailto:FERPA@ED.Gov) and [PPRA@ED.Gov](mailto:PPRA@ED.Gov).

The FPCO Web site address is: [www.ed.gov/policy/gen/guid/fpc](http://www.ed.gov/policy/gen/guid/fpc).

Sincerely,

/s/

Paul Gammill  
Director  
Family Policy Compliance Office

## **Model Notification of Rights under FERPA for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

## **Family Educational Rights and Privacy Act (FERPA) Model Notice for Directory Information**

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that **[School District]**, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, **[School District]** may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the **[School District]** to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.<sup>1</sup>

If you do not want **[School District]** to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **[insert date]**. **[School District]** has designated the following information as directory information: **[Note: an LEA may, but does not have to, include all the information listed below.]**

**-Student's name**  
**-Address**  
**-Telephone listing**  
**-Electronic mail address**  
**-Photograph**  
**-Date and place of birth**  
**-Major field of study**  
**-Dates of attendance**  
**-Grade level**

**-Participation in officially  
recognized activities and sports**  
**-Weight and height of members of  
athletic teams**  
**-Degrees, honors, and awards  
received**  
**-The most recent educational agency or  
institution attended**  
**-Student ID number, user ID, or other unique  
personal identifier used to communicate in electronic  
systems that cannot be used to access education  
records without a PIN, password, etc. (A student's  
SSN, in whole or in part, cannot be used for this  
purpose.)**

---

<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908), as amended, and 10 U.S.C. § 503(c), as amended.

## Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–
  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 relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of* –
  1. Any other protected information survey, regardless of funding;
  2. 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, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Inspect*, upon request and before administration or use –
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

**[School District will/has develop[ed] and adopt[ed]]** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District]** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **[School District]** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **[School District]** will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

**PPRA Model Notice and Consent/Opt-Out for Specific Activities**  
**[LEAs should adopt the following model form as appropriate]**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **[School District]** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

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 relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the **[School District]** will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

---

*Date:* On or about October 15, 2009

*Grades:* Five and Six

*Activity:* ABC Survey of At-Risk Behaviors.

*Summary:* This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

**Consent [for ED funded, protected information surveys only]:** A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this survey.

*Opt-out [for any non-ED funded protected information survey]:* Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

---

*Date:* November 22 - 24, 2009

*Grades:* One through Six

*Activity:* Flu Shots

*Summary:* The County Department of Public Health Services will administer flu shots for influenza types A and B.

*Opt-out:* Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

---

**Below are two examples dealing with the collection, use and distribution of personal information for student-based commercial services. Administrators should *particularly* note the difference in the type of consent required for each activity depending on what personal information is being collected, used or distributed.**

*[Survey A: Limited to personal information designated as “directory information”]*

*Date:* 2009-2010 School Year

*Grades:* Nine through Twelve

*Activity:* Student-Based Commercial Services

*Summary:* [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

*Opt-out:* Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

**[Note to schools: This information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools *may* meet PPRA notice requirements for specific marketing activities that involve only designated “directory information” by allowing parents to opt of “directory information” at the start of each school year, which would include all marketing activities.]**

*[Survey B: Collects personal information beyond designated directory information]*

*Date:* 2009-2010 School Year

*Grades:* Nine through Twelve

*Activity:* Student-Based Commercial Services

*Summary:* [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security

numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

*Consent:* A parent must sign and return the attached consent form no later than **[insert return date]** so that your child may participate in this activity.

**[Note to schools: While some of the information – names, addresses, and telephone listings – may be designated and disclosed as “directory information” under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use, and disclosure of students’ social security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with § 99.30 of the FERPA regulations.]**

---

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to **[school official, address]**. **[School official]** will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

-----

I [parent’s name] give my consent for [child’s name] to take the ABC Survey of At-Risk Behaviors on or about October 15, 2009.

\_\_\_\_\_  
Parent’s signature

Please return this form no later than [insert date] to the following school official: [Provide name and mailing address.]