

Protection of Pupil Rights

20 USC §1232 h

DATE OF ISSUE: July 1, 2000

REPLACES: Protection of Pupil Rights, BEC 20 USC §1232 h, issued July 1, 1998

PURPOSE

The purpose of this BEC is to inform you of changes to the Protection of Pupil Rights Act as amended by Public Law 183-227, Title X, Section 1017, March 31, 1994, which revised 20 U.S.C. §1232h.

PROCEDURE

The Protection of Pupil Rights Law applies to programs regulated and funded by the U.S. Department of Education (USDOE) and which are subsequently administered at the state level by the Pennsylvania Department of Education. Section 439 of the General Education Provisions Act (20 U.S.C. 1232h) was amended as follows:

No student shall be required, as a part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

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

without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. Such survey, analysis, or evaluation may, however, be conducted on a wholly voluntary basis, provided that the student and parents have been notified of their rights under Section 1232h and of the right to inspect all materials related to the survey, analysis or evaluation.

Additionally, in any covered programs, all instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis or evaluation of part of any applicable program shall be available for inspection by the parents or guardians of the children. Local educational agencies (LEA's) shall give parents and students effective notice of their rights under the Protection of Pupil Rights law.

REFERENCES:**Federal Statutes**

20 U.S.C. §1232 h

Federal Regulations

34 C.F.R. Sections 98.1 et seq. ¹

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¹"The current federal regulations found at 34 CFR Section 98.1 et seq. do not yet reflect the changes to the Protection of Pupil Rights Act as amended by Public Law 103-227, Title X, Section 1017, March 31, 1994. However, we anticipate that the United States Department of Education will revise the regulations at 34 CFR Sections 98.1 et seq. to reflect the amended law."

Notice of proposed rulemaking appeared in the Federal Register on August 28, 1995. These rules have not been finalized. In addition, school personnel seeking guidance in this general area should also consult the Guidelines for the Collection, Maintenance and Dissemination of Pupil Records, 22 Pa. Code §12.33.
