



Month, Day, Year

Title/Name

Institution Name

Address

Dear [recipient name]:

I hope this letter finds you well. I am writing to call on [School District Name] to review and, wherever necessary, revise its policies governing parental consent for student surveys, behavioral and mental health screenings, and access to student education records to ensure compliance with FERPA and PPRA according to new federal guidance.

On August 26, 2026, the U.S. Department of Education's Student Privacy Policy Office issued its annual "Back to School" Dear Colleague Letter, clarifying the scope of two federal parental-rights laws: the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). The letter makes clear that PPRA requires prior written parental consent not passive notice or an opt-out before a student is surveyed on sensitive topics, and that this requirement extends explicitly to behavioral and emotional health screeners. It further states that FERPA recognizes no distinction between a student's "official" and "unofficial" records: any record a district maintains that directly relates to a student, regardless of where or how it is kept, is subject to parental inspection.

The Department has since demonstrated it will enforce this framework directly. On September 1, 2026, the Department of Justice's Civil Rights Division, joined by the U.S. Attorney for the District of Kansas, filed suit against Kansas City, Kansas Public Schools (KCKPS), alleging that the district violated both FERPA and PPRA by maintaining an internal guidance document directing staff to develop gender-related "transition" plans for students without notifying or obtaining consent from parents. The complaint alleges this practice denied parents the ability to inspect and review their children's education records and bypassed PPRA's written-consent requirement. The lawsuit seeks an injunction against the district's guidance document, among other relief.

Given this, I urge the district to move forward now and review any relevant policies and practices to ensure they comply with federal law, rather than waiting for a complaint or federal investigation to force the issue. Districts that adjust proactively retain far more control over timeline, communication, and implementation than districts that do so under an enforcement order.

[Optional]

[I have identified several policies or practices which I believe merit your attention as they appear to conflict with current Department of Education guidance, but I urge you to look at all policies which you believe may be affected by this notification.]

- [Policy 1 — e.g., surveys or screeners administered without prior written parental consent]
- [Policy 2 — e.g., informal student files, "support plans," or records kept outside the official education record]
- [Policy 3 — e.g., procedures for parent inspection of curriculum and instructional materials]

Thank you for your attention to this matter. I look forward to hearing about the district's approach going forward.

Sincerely,

[NAME]

Optional [Chapter Name, Title]

Foundation Against Intolerance & Racism

cc: [consider cc'ing all school board members, and any known attorneys representing the school board]