



Highlights of GAO-04-810, a report to congressional requesters

COMMERCIAL ACTIVITIES IN SCHOOLS

Use of Student Data is Limited and Additional Dissemination of Guidance Could Help Districts Develop Policies

Why GAO Did This Study

Congress has continuing interest in commercial activities in U.S. public schools. These include product sales, advertising, market research, and the commercial use of personal data about students (such as names, addresses, and telephone numbers) by schools. To update information about commercial activities in schools, Congress asked us to answer the following questions: (1) Since 2000, what statutes and regulations have states enacted and proposed to govern commercial activities in schools? (2) To what extent have districts developed policies implementing amended provisions of the Protection of Pupil Rights Amendment (PPRA) in the No Child Left Behind Act on the use of student data for commercial purposes? (3) What guidance has the Department of Education (Education) disseminated?

To answer these questions, we researched state laws, surveyed a national sample of school districts, analyzed policies provided by districts, interviewed officials at Education, and examined its guidance. In addition, we updated findings from the districts we visited in 2000.

What GAO Recommends

We recommend that Education disseminate to state school boards associations its guidance on the use of student data for marketing and selling purposes. Education agreed with our recommendation.

www.gao.gov/cgi-bin/getrpt?GAO-04-810.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Marnie Shaul at (202) 512-7215 or shaulm@gao.gov.

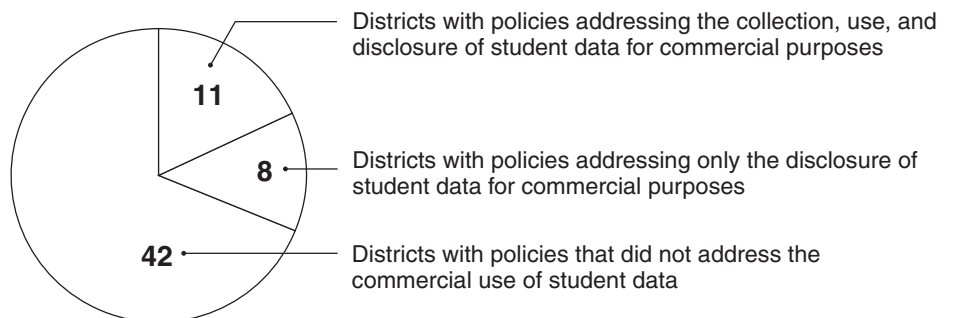
What GAO Found

Since we reported on commercial activities in 2000, 13 states have established laws addressing commercial activities in public schools, and at least 25 states are considering such legislation. Of the states establishing new laws, 6 established laws affecting market research by addressing the use of student data for commercial activities. Almost all of the proposed bills target the sale of food and beverages. Prior to 2000, 28 states established laws addressing commercial activities, particularly product sales and advertising. At that time, only 1 state passed a provision affecting market research.

PPRA provisions required districts to implement policies on the collection, disclosure, or use of student data for marketing and selling purposes, and we estimate that about two-thirds of the districts in the nation believe they are developing or have developed such policies. However, of the 61 districts that sent us policies, only 19 policies addressed these issues. No district reported having collected student data for commercial purposes. Only a few reported disclosing student information for these purposes, and all had done so for school-related purposes such as graduation pictures.

Education has undertaken several activities, such as sending guidance to state education agencies and school district superintendents and posting information on its Web page, to inform districts about the student information provisions of PPRA, but many districts appear not to understand the new requirements. Some districts told us that they relied on their state school boards association to develop policies for them because state school boards associations address federal and state laws. School districts in one state sent us policies that addressed commercial activities that had been developed by their state school boards association. Education was not required to disseminate guidance to associations of local school boards in each state and has not done so.

District Policies Addressing the Commercial Use of Student Data (N = 61)



Source: GAO analysis.