# PURPOSE

## This document describes the policies and procedures for research that involves:

### Subjects who are students, or

### Access to, and use of, education records, or

### An educational setting

# POLICIES

## The University of Washington (UW) complies with the federal regulatory requirements for human subjects research that is funded by the U.S. Department of Education (ED) and/or is conducted in institutions that receive ED funding (for research or any other purposes).

### It should be assumed that all of the following receive ED funding unless otherwise known:

#### Public elementary and secondary schools

#### School districts

#### Intermediate education agencies

#### State education agencies

#### Early childhood educational institutions

#### Postsecondary educational institutions

#### Special education

#### Job training

#### Career and technical education

#### Adult education

#### Any other public or private agency or institution that uses funds from ED.

## The specific regulatory requirements include:

### PPRA: The Protection of Pupil Rights Amendment. This federal law applies to all children not over age 21 who are in elementary and secondary programs and institutions that receive funding for any purpose (research or otherwise) from the U.S. Department of Education (ED). It is intended to protect the rights of students and their parents in educational settings.

#### PPRA is also referred to by the following names, after authors of amendments to the law.

##### The Hatch Amendment

##### The Grassley Amendment

##### The Tiahrt Amendment

### FERPA: The Family Educational Rights and Privacy Act. This federal law protects the privacy of student and parent information contained in education records by controlling the release and access of personally identifiable information in student education records maintained by an educational institution. It applies to all programs and institutions that receive funding for any purpose (research or otherwise) from the U.S. Department of Education (ED).

## These regulations are in addition to (not in place of) other applicable regulations (such as the Common Rule federal human subjects regulations at 45 CFR 46) and UW policies.

## **FERPA and PPRA assign full compliance responsibility to the researcher, and to the educational institutions attended by students. There is no role or responsibility for the IRB.** However, it is UW policy that, as a service to assist researchers in the fulfillment of any FERPA and PPRA responsibilities, the IRB will:

### Remind researchers about FERPA and PPRA on IRB and HSD application forms;

### Provide basic information and references about FERPA and PPRA (i.e., this document).

# DEFINITIONS

## Children: as defined by PPRA, this means persons not above age 21 who are enrolled in a program funded in part by the U.S. Department of Education (which includes, but is not limited to, public educational institutions) who are not above the elementary or secondary education level as determined under State law.

## Eligible Student: as defined by FERPA, this means a student who has reached 18 years of age or is attending an institution of postsecondary education.

## Student: as defined by FERPA, this means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

# REGULATORY REQUIREMENTS: PPRA

## Parent Consent Requirement for surveys involving eight protected topics. PPRA requires schools to notify parents and obtain prior written consent from the parents for certain activities including student surveys, analyses, or evaluations that involve one or more of the following eight areas:

### Political affiliations or beliefs of the student or student’s parent

### Mental or psychological problems of the student or student’s family

### Sex behavior or attitudes

### Illegal, anti-social, self-incriminating, or demeaning behavior

### Critical appraisals of others with whom the students have close family relationships

### Legally recognized privileged relationships, such as with lawyers, doctors, or ministers

### Religious practices, affiliations, or beliefs of the student or parents

### Income, other than as required by law to determine program eligibility

## Institutions that receive ED funding (for research or other purposes; includes all public schools and colleges, among other institutions). PPRA requires the institutions to develop and adopt policies about the following:

### The right of a parent of a student to inspect, upon the request of the parent, a survey created by a third party before the survey is administered or distributed by a school to a student.

### Any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

### Arrangements to protect student privacy that are provided by the agency in the event of the administration or distribution of a survey to a student containing one or more of the eight PPRA protected information topics (Section 5.1) (including the right of a parent of a student to inspect, upon the request of the parent, any survey containing one or more such items).

### The right of a parent of a student to inspect, upon the request of the parent, any instructional material used as part of the educational curriculum for the student.

### Any applicable procedures for granting a request by a parent for reasonable access to instructional material received.

### The administration of physical examinations or screenings that the school or agency may administer to a student.

### 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), including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use.

### The right of a parent of a student to inspect, upon the request of the parent, any instrument used in the collection of personal information before the instrument is administered or distributed to a student.

### Any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

## Researcher responsibilities. Researcher responsibilities as outlined by PPRA include:

### Determining whether any of the research activities are subject to PPRA requirements. This can be accomplished through reviewing the information in this document and/or the PPRA references at the end.

### Obtaining parental consent prior to conducting surveys, analyses, or evaluations involving the eight protected topic areas listed above in Section 5.1. Because of PPRA, the requirement for parental consent cannot be waived by the IRB. The definition of “children” is in Section 3.1 (above).

### Communicating with the institution(s) where the research will be conducted, to:

#### Obtain documented permission from the educational institution or agency, for doing the research

#### Learn about the institution’s PPRA-related policies

#### Make arrangements with the institution to (as applicable) fulfill the requirements to:

##### Provide an opportunity for parental review of surveys or other research materials

##### Provide an opportunity for parental review of all instructional material – including teachers’ manuals, films, tapes, or other supplementary instructional material – which will be used in connection with any research

##### Provide sufficient privacy for the research procedures

##### Address any other applicable requirements.

## IRB responsibilities. PPRA assigns full compliance responsibility to the researcher and the educational institutions. There is no role or responsibility for the IRB. However, it is UW policy that, as a service to assist researchers in the fulfillment of any PPRA requirements, the IRB will:

### Remind researchers about PPRA on IRB and HSD application forms;

### Provide basic information and references about PPRA (in this document).

# REGULATORY REQUIREMENTS: FERPA

## Institutions that receive ED funding (for research or other purposes; includes all public schools and colleges, among other institutions). FERPA requires the institutions to develop and adopt policies about the following the use and release of personally identifiable information from student records. See Section 3.3 for a definition of “student”.

### Release of UW student records. The UW provides information about FERPA requirements and procedures pertaining to UW student records at this website: <http://www.washington.edu/students/reg/ferpa.html>

#### Generally, FERPA allows the UW to disclose education records or personally identifiable information from education records in the following circumstances:

##### With the written consent of the student, or

##### When the disclosure meets one of the statutory exemptions, or

##### When the disclosure is for “Directory Information” and the student has not placed a hold on release of Directory Information.

### Directory Information. FERPA allows schools to designate and disclose, without parental or student consent, certain items of information as “directory information”. This may include, for example, a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. FERPA also requires institutions to provide a mechanism whereby students may restrict access to this Directory Information.

#### The specific information that the UW has designated as “Directory Information” is described at <http://www.washington.edu/students/reg/ferpa.html> .

## Researcher responsibilities. Researchers are responsible for complying with FERPA laws when accessing student education records for research purposes, including for the purpose of identifying and recruiting potential research participants or conducting a secondary analysis of the records. The primary requirement is to **obtain written consent**, authorizing the release of the education records for research purposes, unless the disclosure falls within one of the exceptions described in FERPA (see Section 6.2.2, below).

### Applicability of FERPA. The researcher is responsible for determining whether any of the research activities are subject to FERPA requirements. This can be accomplished through reviewing the information in this document and/or the FERPA references at the end.

### Who provides the consent. Consent is obtained from the parents or from Eligible Students.

#### FERPA gives parents certain rights with respect to their children’s educational records. These rights transfer to the student when s/he reaches the age of 18 or attends a school beyond the secondary (high school) level. Students to whom the rights have transferred are referred to as “Eligible Students”.

### Consent requirements. FERPA consent requirements include:

#### The consent is “signed and dated written consent” (34 CFR 99.30).

##### This may include a record and signature in electronic form, as long as it identifies and authenticates a particular person as the source of the electronic consent.

#### The consent form specifies:

##### The records or personally identifiable information that will be disclosed

##### The purpose of the disclosure

##### The party or class of parties to whom the disclosure will be made

### Copies made available. The educational agency or institution must provide parents or Eligible Students with a copy of the records disclosed, upon request.

### Conditions under which consent is not required by FERPA (though consent may still be required by the IRB, under the general federal human subjects regulations). Only those conditions which may be relevant to researchers are described here.

#### Directory Information. The information being disclosed is Directory Information, and the student (or parent) has not placed a hold on such release. See Section 5.1.2, above.

#### De-identified information. Education records can be released without consent under FERPA if all personally identifiable information has been removed. Of note, the U.S. Department of Education states that “data that cannot be linked to a student by those reviewing and analyzing the data are not ‘personally identifiable’.” Identifiers include:

##### Name of the student, student’s parents, other family members

##### Address of the student or student’s family member

##### A personal identifier, such as the student’s Social Security number, student number, or biometric record

##### Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name

##### Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

##### Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates

#### Studies to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.

##### FERPA allows an educational agency or institution to disclose personally identifiable information from a student’s education record without consent if the disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to

###### Develop, validate, or administer predictive tests

###### Administer student aid program

###### Improve instruction

##### The agency or institution must have a written agreement with the organization or the researcher conducting the research that specifies:

###### The determination of this exception

###### The purpose, scope, and duration of the study

###### The information to be disclosed

###### That information from education records may only be used to meet the purposes of the study stated in the written agreement and must contain the current requirements described in 34 CFR 99.31(a)(6) on re-disclosure and destruction of the information

###### That the study will be conducted in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests

###### That the organization or researcher is required to destroy or return all personally identifiable information when no longer needed for the purposes of the study

###### The time period during which the organization or researcher must either destroy or return the information

## IRB responsibilities. FERPA assigns full compliance responsibility to the researcher and the educational institutions. There is no role or responsibility for the IRB. However, it is UW policy that, as a service to assist researchers in the fulfillment of any FERPA requirements, the IRB will:

### Remind researchers about FERPA on IRB and HSD application forms;

### Provide basic information and references about FERPA (i.e., this document).

# MATERIALS

## None

# REFERENCES

## PPRA Protection of Pupil Rights Amendment: 34 CFR Part 98 “Student Rights in Research, Experimental Programs, and Testing” (also see 20 U.S. C. Ch. 31, subchapter III, Part 4, & 1232h.

## FERPA Family Education Rights and Privacy Act: 34 CFR Part 99 (also see 20 U.S. C. § 1232 g)

## Recent Changes Affecting FERPA and PPRA, April 2002 <http://www2.ed.gov/policy/gen/guid/fpco/pdf/changes-ferpa-ppra.pdf>

## Information about human subjects requirements for research supported by the federal Department of Education <http://www2.ed.gov/about/offices/list/ocfo/humansub.html>

## 34 CFR parts 97, 350, and 356