

Checklist: Additional Requirements for Research Supported by the U.S. Department of Education (version date: May 7, 2019)

Note: The Department of Education (ED) IS a [signatory to the Revised Common Rule](#), which took effect January 21, 2019.

Regulatory References

Additional regulatory considerations are required for human research that is funded by the U.S. Department of Education (ED), and/or is conducted in institutions that receive ED funding.

FERPA: The Family Educational Rights and Privacy Act (FERPA) governs the release and access to student education records maintained by an educational institution. [UCLA OHRPP Guidance: Family Educational Rights and Privacy Act \(FERPA\)](#) outlines the policies and procedures related to research access to Education Records covered by FERPA.

PPRA: The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98), a.k.a., “Student Rights in Research, Experimental Programs, and Testing”), applies to programs and institutions that receive funding from ED. Therefore, even if a UCLA-initiated research project is not funded by ED, the UCLA researcher must ensure compliance with PPRA requirements if the research will be conducted in an institution that receives funding from ED. [UCLA OHRPP Guidance: Research Involving Students and/or Conducted in Educational Settings](#) summarizes federal, state, and University requirements related to human research that involves students and/or is conducted in an educational setting, including PPRA requirements.

Waivers and Exceptions to Informed Consent

- Y See “Access to Records for Research Purposes Without Obtaining Consent” section of [UCLA OHRPP Guidance: Family Educational Rights and Privacy Act \(FERPA\)](#) for a detailed description of the following limited circumstances in which Education Records can be released without consent:
 - Disclosure of “Directory information”
 - Studies to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction
 - Removal of all Personally Identifiable Information
- Y Exceptions to parental/student consent to release student records for research are granted by each educational institution for its own Education Records.
- Y Waivers of informed consent **cannot** be approved for surveys, psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning one or more of the eight protected areas

(“protected information surveys”) specified in PPRA. (See [UCLA OHRPP Guidance: Research Involving Students and/or Conducted in Educational Settings](#) for details.)

Research in Institutions that Receive Funding From the US Department of Education

- Y **Parental Permission** – The IRB must require, and researchers must obtain prior consent for surveys, psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning one or more of the eight PPRA “protected information surveys”.
- Y **PPRA Policies** - Researchers must communicate with the institution(s) where research will be conducted to ensure that the institution has developed PPRA-compliant policies regarding review of instructional materials; privacy for protected information surveys; physical examinations or screenings; and collection, disclosure, or use of personal information for marketing purposes.

[UCLA OHRPP Guidance: Research Involving Students and/or Conducted in Educational Settings](#) details the eight protected areas, the definition of prior consent, and the policies required

Access to Instructional Material Used in a Research or Experimentation Program

- Y When research is funded by the US Department of Education, **all instructional material--** including teachers' manuals, films, tapes, or other supplementary instructional material-- which will be used in connection with any research or experimentation program or project **must be available for inspection by the parents or guardians** of the children engaged in such research.

Definitions:

- **Research or experimentation program or project** means any program or project in any research that is designed to explore or develop new or unproven teaching methods or techniques.
- **Children** are persons enrolled in research not above the elementary or secondary education level, who have not reached the age or majority as determined under state law.

Regulations and References

- Protection of Human Subjects - [34 CFR 97](#)
- Department of Education [Information about the Protection of Human Subjects in Research](#)

Questions

If you have questions regarding ED requirements, please contact the staff of the relevant [Administrator](#) or Director. Click [here](#) for contact information.

Change history:

2019/5/9: Added reference to Revised Common Rule, added Department of Education references, replaced Director name & contact information with link to Leadership contact information.