

University of Rochester	Office for Human Subject Protection		
	Research Subject Review Board		Effective Date: 12/04/2019
	FERPA and PPRA in Human Subject Research		Policy 704

POLICY

1. Purpose

Ensure that University of Rochester research activities comply with the national standards for the protection of student education records under the Family Educational Rights and Privacy Act, of 1974 (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h).

2. Scope

This policy applies to all human subject research conducted or supported by employees or agents of the University of Rochester (UR), which involves students and/or is conducted in an educational setting. FERPA and PPRA apply to all research projects conducted within local Pre-Kindergarten through grade 12 schools and school districts, undergraduate, and graduate education.

3. Definitions

3.1. *Directory Information* – Information means information contained in an Education Record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

3.2. *Disclosure* – To permit access to or the release, transfer, or other communication of personally identifiable information (PII) contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

3.3. *Education Program* - Any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

3.4. *Education Records* - Records that are directly related to a student; and maintained by an educational agency or institution or by a party acting for the agency or institution. For more information on what is and is not included, please visit [20 U.S.C. § 1232g](#); (4) (A) and (B).

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3.5. *The Family Educational Rights and Privacy Act (FERPA)* - is a Federal law administered by the U.S. Department of Education; 34 CFR Part 99. FERPA applies to all educational agencies and institutions that receive federal funding.

3.6. *Personally Identifiable Information (PII)* – The term includes but is not limited to a student’s name; the name of the student’s parent or other family members; the address of the student or student’s family; 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 circumstance, to identify the student with reasonable certainty; or information request by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

3.7. *The Protection of Pupil Rights Amendment (PPRA)* - A Federal law administered by the U.S. Department of Education; 34 CFR Part 98. PPRA applies to programs and activities of an educational agency or other recipient of funds under any program funded by the U.S. Department of Education. PPRA also applies to any research funded by the U.S. Department of Education. In summary, under PPRA parents and students must be notified of any event where students will disclose personal information or complete a survey/evaluation concerning eight specific areas; parents must have the opportunity to opt their child out of participating and may inspect the instrument being administered to the student prior to its administration.

3.8. *Protected Information Surveys* - The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, identifies eight specific protected areas (“protected information surveys”):

- 3.8.1. Political affiliations or beliefs of the student or student’s parent;
- 3.8.2. Mental or psychological problems of the student or student’s family;
- 3.8.3. Sex behavior or attitudes;
- 3.8.4. Illegal, anti-social, self-incriminating, or demeaning behavior;
- 3.8.5. Critical appraisals of others with whom respondents have close family relationships;
- 3.8.6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- 3.8.7. Religious practices, affiliations, or beliefs of the student or parents; or
- 3.8.8. Income, other than as required by law to determine program eligibility.

3.9. *Record* - Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

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3.10. *Eligible Student* - 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, except as otherwise specifically provided in this part. If less than 18 years of age, notify parents and obtain consent or allow the parent to opt his/her child out of participating in certain school activities.

4. References

- 4.1. The Family Educational Rights and Privacy Act, of 1974 (FERPA) ([20 U.S.C. § 1232g](#); [34 CFR Part 99](#))
The Protection of Pupil Rights Amendment ([20 U.S. Code § 1232h](#))
Student Rights in Research, Experimental Program, and Testing ([34 CFR Part 98](#))
- 4.2. [University of Rochester Family Educational Rights and Privacy Act, \(FERPA\) Policy](#);
[University of Rochester Academic Records Policy](#);
[University of Rochester Grade Release Policy](#)

5. Responsibilities

- 5.1. Investigators are responsible for identifying and complying with the requirements of FERPA and PPRA according to the federal regulations, policies, and procedures referenced under Section 4 above.
- 5.2. Investigators are responsible for complying with the Reviewing IRB protocol and with any additional safeguards that have been put into place by individual school districts.
- 5.3. The RSRB is responsible for reviewing and approving research that is in compliance with the requirements of FERPA and PPRA for the use of personally identifiable information (PII) according to the federal regulations, policies, and procedures referenced under Section 4 above
 - 5.3.1. When the RSRB is the Reviewing IRB, this will be included as part of the RSRB review.
 - 5.3.2. When the RSRB is the Relying IRB, the responsible party will be determined in the agreement.

6. Requirements

- 6.1. Investigators are required to identify in the protocol all proposed access to PII which will occur during the course of the research, and describe the PII to be collected. This includes the use and disclosure of PII, the plan to protect PII from disclosure to any other party without prior permission of the parent or consent from the eligible student, and the plan to return or destroy PII when it is no longer needed.

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- 6.2. Investigators must indicate how they will comply with FERPA. This includes a description in the protocol of:
 - 6.2.1. The purpose of identifying and recruiting potential research subjects or conducting secondary analysis;
 - 6.2.2. How parental permission or consent from the eligible student will be obtained, or written determination from source educational institution that the data from the student record is provide pursuant to an exception under FERPA; and
 - 6.2.3. Any necessary approvals from the education institution and compliance with the educational institution’s FERPA policies.

- 6.3. Investigators must indicate how they will comply with PPRA. This includes a description in the protocol of:
 - 6.3.1. How parental permission will be obtained prior to conducting research with PII and the ability for parents to opt out of any research including one or more of the eight “protected information survey.”
 - 6.3.2. Any necessary approvals from the site where research will be conducted to ensure 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.

- 6.4. Investigators are required to maintain all school and district approvals.

- 6.5. The RSRB will determine if the research protocol complies with FERPA and PPRA.
 - 6.5.1. The RSRB cannot overrule an institution’s decision to deny access to education records

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Not Applicable.

Approved By:



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12/4/2019
Date



Nicole Mason
Executive Director, RSRB

12/4/2019
Date