

Summary of Requirements and University of Kentucky (UK) Resources for United States Department of Education (DoED) Supported or Regulated Human Research

Human research supported or regulated by the US DoED is subject to additional requirements and ethical standards set forth in [34 CFR 97](#) including Subpart A (general) and Subpart D (protections for children); [34 CFR 99](#) (Family Educational Rights and Privacy Act); 34 CFR 350, 356 (Disability and Rehabilitation Research) and [34 CFR 98](#) (Protection of Pupil Rights Amendment). Related guidance and university policies are referenced below.

General DoED Requirements

1. Conditions for allowing exceptions to parental or student consent to release student records for research under FERPA [34 CFR 99](#):

- FERPA is a federal law that protects the privacy of personally identifiable information contained within a student’s educational record at K-12 and postsecondary institutions.
- [The University of Kentucky Office of the Registrar FERPA website](#) outlines what information is designated as “directory” information at UK and what information may be released in general without a student’s consent. Each institution designates what information is considered directory information.
- [UK IRB FERPA guidance](#) outlines conditions under which student records can be disclosed without consent for research purposes as well as guidance for researchers on accessing educational records.
- ORI forwards any protocols that include requests to access information without consent to UK’s legal counsel. Legal counsel will make the final determination if the study meets the FERPA criteria to release personally identifiable educational information without a signed consent form. Legal counsel develops appropriate agreements as required by [*34 CFR 99.31](#).

***Elements of Written Agreement:** (1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;(3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and (4) Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

2. Protection of Pupil Rights Amendment (PPRA)

- US Department of Education, PPRA ([34 CFR 98](#)) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. It outlines requirements that apply to “protected information” surveys that are funded in whole or in part by the DoED and to surveys that are funded by sources other than the DoED that are administered by or in institutions that receive DoED support.
- Access to instructional material used in a research or experimentation program: 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

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such research. *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 of majority as determined under state law.

- See the [Department of Education PPRA guidance](#) for a list of protected information for survey responses and practical implications in applying IRB informed consent waiver requirements pertaining to the rights and welfare of minor students.

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