

INVESTIGATOR GUIDANCE: Additional ED Obligations				
NUMBER	DATE	Version No.	RESP. AUTHORITY	PAGE
HRP-413	30SEP2022	001	Assistant/Associate Director, RI	1 of 4

1 PURPOSE

1.1. This guidance outlines the additional obligations of investigators conducting ED research.

2 GUIDANCE

- 2.1. For research funded by the National Institute on Disability and Rehabilitation Research, when the IRB reviews research that purposefully requires inclusion of children with disabilities or individuals with mental disabilities as research subjects, the IRB includes at least one person primarily concerned with the welfare of these research subjects.
- 2.2. The Family Educational Rights and Privacy Act (FERPA) applies when investigators obtain student records or personal education information from an education program as defined as any program 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. FERPA requirements include:
- 2.2.1. An educational agency or institution may disclose personally identifiable information from an education record of a student without consent if the disclosure is part of an agreement between organizations or subjects conducting studies for, or on behalf of, educational agencies or institutions to:
- 2.2.1.1. Develop, validate, or administer predictive tests
 - 2.2.1.2. Administer student aid programs
 - 2.2.1.3. Improve instruction
- 2.2.2. A school district or postsecondary institution that uses this exception is required to enter into a written agreement with the organization conducting the research that specifies:
- 2.2.2.1. The determination of the exception
 - 2.2.2.2. The purpose, scope, and duration of the study
 - 2.2.2.3. The information to be disclosed
 - 2.2.2.4. 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 in Department of Education regulations on redisclosure and destruction of information
 - 2.2.2.5. 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
 - 2.2.2.6. That the Organization is required to destroy or return all personally identifiable information when no longer needed for the purposes of the study
 - 2.2.2.7. The time period during which the Organization must either destroy or return the information
- 2.2.3. Education records may be released without consent under FERPA if all personally identifiable information has been removed including:
- 2.2.3.1. Student's name and other direct personal identifiers, such as the student's social security number or student number
 - 2.2.3.2. Indirect identifiers, such as the name of the student's parent or other family members; the student's or family's address, and personal characteristics or other information that would make the student's identity easily traceable; and date and place of birth and mother's maiden name
 - 2.2.3.3. Biometric records, including one or more measurable biological or behavioral characteristics that can be used for automated

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