



TEXAS A&M UNIVERSITY  
**SAN ANTONIO**

Institutional Review Board

## **GUIDELINE # 8: CONDUCTING RESEARCH IN SCHOOLS**

### **I. PURPOSE**

This guideline is to ensure that human subjects' research conducted in a school setting complies with federal, state and local laws, regulations, directives and instructions.

### **II. STATEMENT**

All human subjects research, irrespective of the source of funding, conducted by A&M- SA faculty, staff and students must be submitted and reviewed in accordance with the Federal research regulations, Texas A&M System Guidelines, A&M-SA IRB policies and local consideration.

### **III. SCOPE**

This guideline applies to all research conducted in school settings where the Texas A&M- SA IRB serves as the Reviewing IRB.

### **IV. DEFINITIONS**

**Consent:** For the purposes of this policy, consent includes parental permission and student consent, when permitted under state law.

**Department of Education (ED):** ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

ED was created in 1980 by combining offices from several federal agencies. ED's 4,400 employees and \$68 billion budget are dedicated to:

Establishing policies on federal financial aid for education and distributing as well as monitoring those funds.

- Collecting data on America's schools and disseminating research.
- Focusing national attention on key educational issues.
- Prohibiting discrimination and ensuring equal access to education.

**Every Student Succeeds Act (ESSA), as applicable:** A federal law that reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.

**Family Educational Rights and Privacy Act (FERPA):** A Federal law that protects the privacy of student education records. In general, schools must have written permission from the parent or eligible student in order to release any information from a student’s education record.

**Investigator:** An individual at the institution who participates in the design, conduct, analysis, or reporting of research activities.

## **V. PROCEDURES**

### **A. Approval by the school or school district**

The investigator must obtain approval notification or written documentation of support from the authorized individual(s) within the school or school district where the research will take place prior to initiating study activities within the school. Investigators must comply with each school’s applicable policies when conducting the research.

### **B. Review of research conducted in a school setting**

All human subjects research that will be conducted in a school setting must be submitted and reviewed in accordance with the Texas A&M- SA IRB policies and procedures. The IRB may determine that the research meets the criteria for exemption or that it requires either expedited or full committee review or approval.

### **C. School engagement in human subjects research**

If agents of the school are engaged in human subjects research as defined by OHRP’s 2008 Guidance on Engagement in Human Subjects Research, the school must either (a) obtain approval/exemption determination from their own IRB and privacy board review (when applicable) or (b) the school must sign an agreement to work under the jurisdiction of Texas A&M- SA’s IRB. For example, if school personnel are collaborators (do not meet the definition of an investigator), if school personnel are not performing any research procedures, or if the school is just providing the venue, then the school would not be considered to be engaged in the research.

### **D. Ensuring Adherence to ESSA Requirements (as applicable)**

The federal K-12 education law of the United States. ESSA was signed into law in 2015 and replaced the previous education law called “No Child Left Behind.” ESSA extended more flexibility to States in education and laid out expectations of transparency for parents and for communities. ESSA requires every state to measure performance in reading, math, and science. Each state determines the way students are assessed. Every school in each state must inform parents about their standards and their results. ESSA requires every state to develop a concise and easily understandable “State Report Card” that is accessible online and provides parents important information on test performance in reading, math, and science. The report cards must also provide data on graduation rates, suspensions, absenteeism, teacher qualifications, and many other areas. ESSA increases transparency to empower parents with information to help them make the best choices for their children. For the first time ever, states are required to report how much money, on average, they spend per student. This is called “per pupil expenditures.” ESSA also requires states to list their lowest performing 5% of schools. These schools require “comprehensive support and improvement.” ESSA extends flexibility for funds to be invested in career and technical education and even toward transportation for students to attend higher performing schools. Please contact the senior school administrator to ensure adherence.

## **E. Ensuring Adherence to FERPA Requirements**

FERPA protects the privacy of student education records. Schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose personally identifiable information from an education record of a student 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 programs; or improve instruction.

## Exception to Written Permission for Records Release under FERPA

Requests for exception (waiver) to consent for student education records release are reviewed by the Texas A&M- SA IRB. A school district or postsecondary institution that uses this exception is required to enter into a written agreement with Texas A&M- SA or with the investigator conducting the research that specifies:

1. The determination of the exception.
  - (a) Education records may be released without consent under FERPA if all personally identifiable information has been removed including:
    - (1) Student's name and other direct personal identifiers, such as the student's social security number or student number.
    - (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, date and place of birth, and mother's maiden name.
    - (3) Biometric records, including one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
    - (4) 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.
2. The purpose, scope, and duration of the study.
  - (a) 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 34 CFR 99.31(a)(6) on re-disclosure and destruction of information.
  - (b) Texas A&M- SA is required to destroy or return all personally identifiable information when no longer needed for the purposes of the study.
  - (c) The time period during which Texas A&M- SA must either destroy or return the information.
3. Information to be disclosed.
  - (a) 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 university with legitimate interests.

For research accessing educational institution student records without consent, the responsibility for complying with FERPA-specific consent exception requirements, including requirements for

removal of all personally identifiable information will be the responsibility of the investigator in conjunction with the educational institution.

**VI. APPLICABLE REGULATIONS AND GUIDELINES**

Every Student Succeeds Act (ESSA) (20 USC 6301), as applicable contact the school administrator & FERPA: 34 CFR Part 99

**VII. RESPONSIBILITIES**

**PI:** Responsible for ensuring the IRB application is written and submitted meets the unique requirements as outlined in the regulations.

**IRB:** Responsible for ensuring that the IRB makes all additional determinations and ensuring that the unique requirements are included when reviewing research.

**DRC:** Responsible for ensuring that research conducted in schools meets the unique requirements as outlined in the regulations.

**VIII. REVISIONS:**

03-26-2018 Initial approval

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