Guidance for Research in the K-12 Environment

There are many regulatory and ethical issues to consider when conducting research in the primary and secondary education context. This guidance addresses research involving students, educational records, and educational settings.

1. What are key considerations for planning research in the K-12 environment?

- What regulations apply to education research?
- What is Lindenwood's policy for FERPA and PPRA compliance?
- How will you obtain consent or assent?
- What site permissions are required?
- Are any research team members not Lindenwood students or faculty?
- What data protections are in place?
- What other research ethical and design issues should be considered?

2. What regulations should a researcher consider when conducting research in an educational setting?

There are several sets of regulations to consider when conducting research in an educational setting. These regulations pertain to research involving human subjects and accessing educational records or data collected by an educational program. Refer to "Guidance on Research Subject to FERPA and PPRA" for more detailed information.

- The first set of regulations to consider is *45 CFR 46*, which is the basis of Lindenwood University Human Subjects Research Policies and Procedures. *34 CFR 97* is also relevant when research is funded by US Department of Education (ED) or conducted at an institution receiving funds under any applicable program of ED.
- Researchers will also need to carefully consider the *Family Educational Rights and Privacy Act (FERPA)* (20 U.S.C. 1232g; 34 CFR 99). FERPA is a federal law which governs access to and protects the privacy of student education records. FERPA regulations apply to all schools receiving funds under any applicable program of the U.S. Department of Education (ED). FERPA describes written authorization requirements for use of education records in research.
- In some cases, a researcher may also need to consider the *Protection of Pupil Rights Amendment (PPRA)*. PPRA (34 CFR 98) applies to all students under the age of 21 in primary or secondary educational programs receiving funds under any applicable program of the U.S. Department of Education (ED) (which includes, but is not limited to public educational institutions). PPRA also applies to any research funded by ED. PPRA describes authorization requirements for use of "protected information" in research.

3. What is Lindenwood University policy for research compliance with FERPA and PPRA?

FERPA and PPRA assign the obligation of compliance to researchers and educational institutions. Institutions may apply these regulations differently. The researcher is expected to be aware of FERPA and PPRA requirements, and conduct research according to how each educational institution granting access to students or data from educational records applies these regulations.

The Lindenwood University IRB will assist researchers by:

- Including reminders about FERPA and PPRA requirements on IRB application forms.
- Providing information and consultation about FERPA and PPRA compliance upon request.
- Providing consultation to ensure student data released for research purposes are appropriately deidentified.
- Determining if a data collection process is subject to PPRA regulations.

4. How to I obtain assent or consent in the K-12 research environment?

Researchers are required to obtain and document consent from all adult participants, unless a waiver of alteration of consent has been approved by the IRB. Researchers are also required to obtain assent from minor participants, according to the assent plan approved by the IRB. There are cases in which the requirement to obtain and document consent or assent can be waived in the K-12 research context, however, FERPA regulations require written authorization to release educational records for research purposes in all but a few well-defined circumstances.

- **Requirements for obtaining consent if FERPA applies**: Researchers must obtain written informed consent authorizing the release of education records for research purposes, unless the disclosure falls under one of the following exceptions (though written informed consent may still be required by the IRB if 45 CFR 46 is applicable). Written consent must be obtained from the parent or legal guardian, or eligible student, unless:
    - 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. This exception can be executed under a written agreement including the terms outlined in 34 CFR 99.31 between LU and the educational institution disclosing data.
    - The data are “Directory Information” as defined by the institution releasing the data, and the student or parent has not placed a hold on release of these data.
    - All personally identifiable data have been removed, provided that the educational agency or institution or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. (An identifying code may be retained by an honest broker, as long as the code does not contain a student’s social security number or other personal information.)

- **Requirements for obtaining consent if PPRA applies:** Researchers must obtain written informed consent from parents or legal guardians for research on students involving surveys, psychiatric evaluation, testing, or treatment, psychological evaluation, testing, or treatment, in which the primary aim is to collect "protected information." These requirements are applicable even when only anonymized or deidentified data are collected.

5. When do I need to obtain permission from a school or research site?

A researcher who is student, staff, or faculty of Lindenwood University may also be an employee of a school or school district. This may offer access to students and student records as part of their employment. However, research involving students or educational records requires IRB approval and any other applicable site permission prior to the conduct of research. These additional requirements may involve approval from the site or district. If site approval is required, the Lindenwood University IRB requires a letter of permission be attached to the IRB application prior to approval.

Each school district or institution will have a different policy on what this permission should look like (e.g. a template letter, an email, etc…). Researchers are expected to follow current policy for obtaining permission at each research site.

6. How do I add LU or non-LU research team members?

A Researcher may not conduct human subjects research without prior approval by an IRB. Conduct of human subjects research includes recruiting, consenting, or collecting data about or from participants. An approved Research Team Member:

- Must be added to the initial IRB application. The addition of research team members can be made at any time through a Modification Form.
- Must have completed Protecting Human Research Participants training prior to being added to an IRB application.

Research Team Members who are not faculty, staff, or students of Lindenwood University may only be added to an IRB Application under the following conditions:

- If the research is Exempt: The individual may be added to the IRB Application after they have completed PHRP training. The certificate should be uploaded with the IRB application.
- If the research is non-Exempt (approved by Expedited or Full Board procedure): The individual may be added to the IRB Application after they have completed PHRP training and an Individual Investigator Agreement (IIA) has been executed.

Activities which do not fit the definition of "Research Team Member," and can be conducted by an individual not listed on the IRB Application:

- Distributing recruitment material, as long as they are merely distributing material without providing additional information or answering questions about the nature of the study and its risks.
- Collecting contact information from potential participants, which is then shared with the Researcher.

- Distributing and collecting survey material, provided no identifiable information is visible or accessible by the individual.

7. What are additional ethical and research design questions to consider?

There are many unique ethical and research design challenges posed by research in the educational environment. These points are important to consider as you begin to design your study and complete an IRB application.

- **Describing Your Research:**
    - *Is the research component clearly distinguishable in the IRB application?* In Action Research and research involving education program evaluation, it can often be difficult for an IRB to distinguish between routine practice and activities that can be considered research. It is important to define the research activity clearly in the IRB Application. The Lindenwood University IRB uses the definition of Herr & Anderson (2015) for Action Research: "Action research is inquiry that is done by or with insiders to an organization or community, but never to or on them. It is a reflective process, but it is different from isolated, spontaneous reflection in that it is deliberately and systematically undertaken and generally requires that some sort of evidence be presented to support assertions."
- **Recruiting Participants:**
    - *How will you recruit participants?* The participant pool for much education research is confined to a particular classroom, type of student, or faculty at a specific location. But in other cases, the researcher may need to develop a plan to recruit students by posting flyers, having school administration or teachers send recruitment materials home with students, or talking to parents or legal guardians at school events. It is also common for a senior administrator to send out recruitment emails to faculty or staff on behalf of a researcher.
- **Consenting and Assenting Participants:**
    - *Is your consent and assent process appropriate?* In most cases, obtaining consent from parents, legal guardians, or eligible students, and assent from students is required. The Lindenwood University provides Consent and Assent Form templates to be completed as part of your IRB application. There is space in these consent form templates for researchers to provide age-appropriate information about the research, in layperson terms. But consent is not just a form, it is a process. Have you provided time and space for potential participants to ask questions?
    - *Are there any elements of coercion or undue influence that may be present in your relationship with potential participants?* If so, what will you do to ensure participants are providing voluntary consent or assent to participate?
    - *How will you obtain signed consent forms if required?* There are a variety of ways to collect signed consent forms in the education environment, such as sharing consent

forms with parents and guardians and having them return the signed forms through mail, email, or a mailbox at the school. In other cases, it may be more appropriate to conduct the consent process in person and obtain a signed consent form at that time.

- **Identifying and Disclosing Risks**
  - *What are the risks of the research?* The risks of education research can be difficult to assess. In cases where "protected information" are being collected, the privacy risks are clear. But many education research designs can create risks that are important to consider, such as exposing vulnerabilities in a participant population, creating stigma if a certain type of participants are singled out for research, or creating disparity when students are randomized to different instructional strategies. The Lindenwood University IRB evaluates these risks carefully during the review process.
  - *Will you offer alternatives for students who choose not to participate?* In some research designs, students in a classroom may be able to opt out of a research activity, while other students will be actively enrolled. In these cases, it is important to consider how non-participants will be treated during the course of the study.