

**University of Wisconsin-Oshkosh
Institutional Review Board (IRB)**

STANDARD OPERATING PROCEDURES (SOP)

SOP Number: 14 Effective Date: 09/17/21 Last IRB Review: 09/17/21 Last Updated: 6/15/21 Prepared By: K. Schill	Title: Guidance on the Protection of Pupil Rights Amendment (PPRA)
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Guidance on Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) ([20 U.S.C. § 1232h](#); [34 CFR Part 98](#)), is a federal law which affords certain rights to parents of minor students with regard to collection of information of a personal nature. The No Child Left Behind Act of 2001 contains a major amendment to PPRA that gives parents more rights in regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. This guidance will focus on parental/guardian rights for surveys administered to minor children for the purpose of research.

I. To Whom does PPRA Apply?

The PPRA applies to any “local educational agency” that receives funding from the U.S. Department of Education. A “local educational agency” (LEA) means an elementary school, secondary school, school district, or local board of education that is the recipient of funds from the U.S. Department of Education. PPRA also applies to research funded by the U.S. Department of Education.

II. Rights Afforded to Parents and Guardians under PPRA

A. *Consent:* Parental/guardian consent is required before minor students participate in surveys which involve any of the eight PPRA protected areas for research *directly funded by U.S. Department of Education*:

Protected information:

1. Political affiliations of student or student's parent;
2. Mental or psychological problems of student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of others with whom students have close family relationships;
6. Legally recognized privileged or analogous relationships;
7. Religious practices, affiliations or beliefs of student or student's parent;
8. Income, other than as required by law to determine program eligibility

Note: The IRB does not have the authority to waive written parental permission/consent for research funded by U.S. Department of Education that falls under one or more of the protected areas specified in

the PPRA regulations. The IRB research protocol must describe how parental/guardian permission will be obtained.

B. Receive notice and an opportunity to **opt a student out** of:

1. Any protected information survey administered or *distributed to a student by a local educational agency that is a recipient of funds from the U.S. Department of Education*.
 - a. Local educational agencies must develop policies and directly notify parents/guardians of the policy on an annual basis. Researchers are encouraged to review the local policies of the school and/or school district early in the study design process for research which will be conducted within a local educational agency.

C. Inspect, upon request:

1. Protected information surveys, before the administration or distribution by a local educational agency
2. All instructional materials, excluding academic tests or assessments, which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

Note: These rights transfer from the parents to the student when the student turns 18 years old or becomes an emancipated minor under applicable State law.

III. PPRA Scenarios and Parental Consent:

A. Requirements for Protected Information Surveys *funded by the U.S. Department of Education*

- Does the research involve "protected information" surveys?
- Are the surveys U.S. Department of Education-funded in whole or part?
- Are the surveys "required"?

If the answer is yes to the three questions, PPRA affords parents the right to provide active written consent. Thus, even when the criteria for a waiver of parental permission at 45 CFR 46.116 or 45 CFR 46.408(c) are met, the IRB cannot approve waivers of parental permission for surveys, analyses, or evaluations where the primary purpose is to reveal information concerning one or more of the eight protected areas specified in PPRA. Prior written parental consent would be required, even if the IRB determined that some of the basic elements of informed consent specified in section 45 CFR 46.116(a) could be waived as inappropriate to the activity.

B. Requirements for Protected Information Surveys, *funded by Sources other than the U.S. Department of Education and administered or distributed by local education agencies that receive funds from the U.S. Department of Education*

- Does research involve "protected information" surveys?
- Are the surveys being administered or distributed by schools that receive any U.S. Department of Education funds?

If the answer is yes to both questions, PPRA affords parents the right to inspect the surveys before they are administered or distributed and to opt the student out of the surveys.

Note: Local educational agency policy or the IRB may be more stringent (i.e., the LEA or IRB may require parental/guardian consent).

Resources:

United States Department of Education PPRA 34 CFR Part 98:

<https://studentprivacy.ed.gov/content/ppra>

United States Department of Education, Student Privacy Policy Office:

https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf

Kentucky IRB: <https://www.research.uky.edu/uploads/ori-d1110000-summary-requirements-and-university-kentucky-uk-resources-us-doed-supported-or>

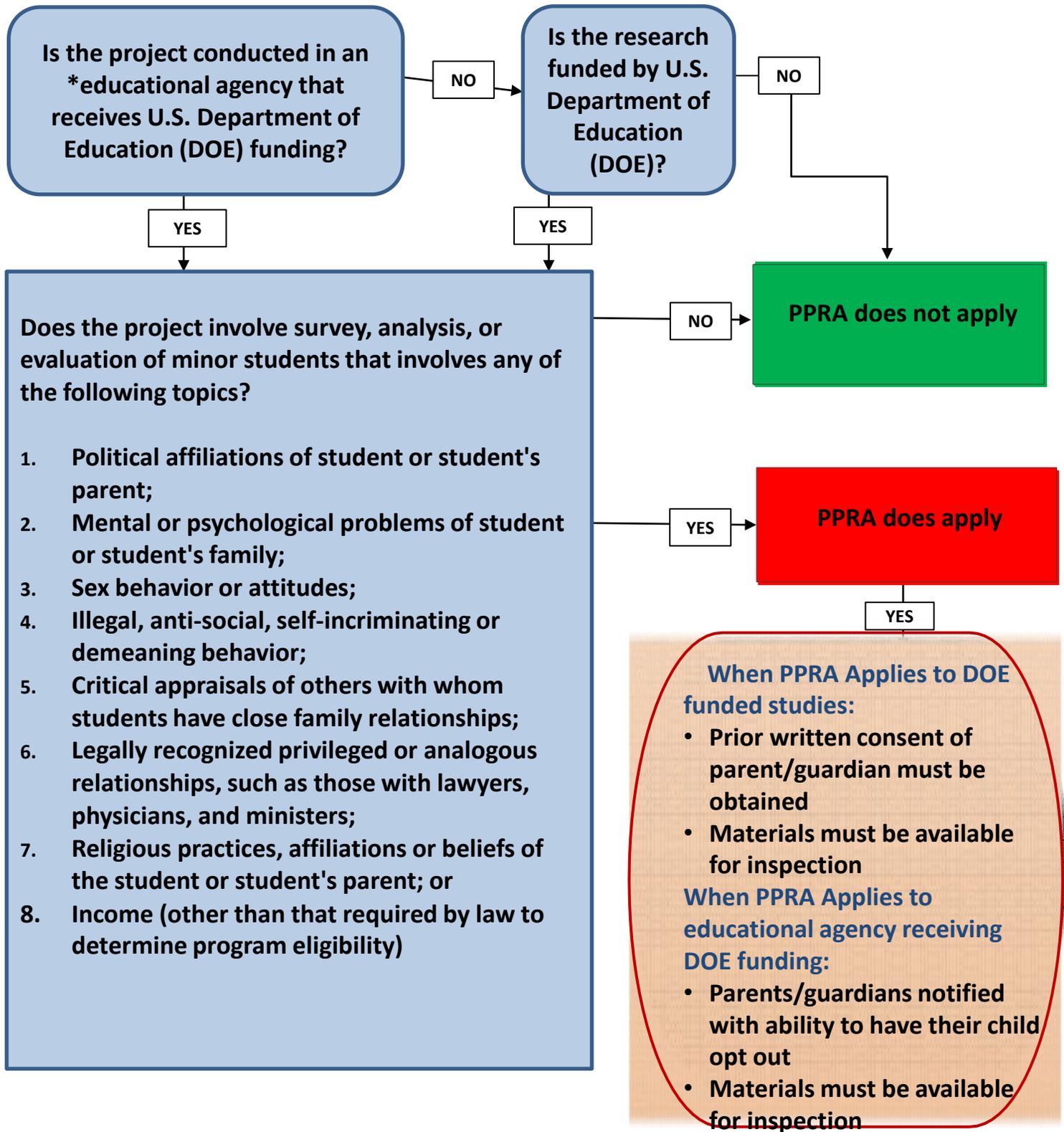
Oregon State University IRB:

<https://research.oregonstate.edu/irb/ppra>

University of Denver HRPP:

https://www.du.edu/orsp/media/documents/new_irb_forms/guidance_ferpa_ppra.pdf

Does the Protection of Pupil's Rights Amendment (PPRA) Apply to my Study?



*An educational agency is defined as an elementary school, secondary school, school district, or local board of education that is the recipient of funds from the U.S. Department of Education. It does not include postsecondary schools.