

Exempt Category 1 Guidance

Research in schools or other learning environments can be reviewed in our office as minimal risk research. The Human Research Protection Program is limited by the federal regulations to decide if a research project fits into this category.

What the regulations say:

[45 CFR 46.104\(d\)\(1\)](#): Research, conducted in established or commonly accepted educational settings (1), that specifically involves normal educational practices (2) that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction (3). This includes most research on regular and special education instructional strategies, and research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

1. What is a commonly accepted educational setting?
 - a. Almost anywhere where educational activities take place, including:
 - i. K-12 schools and college classrooms, after-school programs, preschools, vocational schools, alternative education programs, etc.
 - ii. Professional development seminars for school district personnel
 - iii. Soccer practice field, scouts meeting, religious education settings
 - iv. Medical school, training simulators (e.g., medical simulators, flight simulators, etc.)
2. What are normal educational practices?
 - a. Any activities **routinely used** in an accepted setting
3. How can researchers assess that a project is “not likely to adversely impact students’ opportunity to learn or the assessment of educators who provide instruction”?
 - a. Does the project require a student to deviate from curriculum that is aligned with national or state achievement indicators?
 - b. Does participation or refusal factor in any way into the assessment of **educators** (will those who participate be assessed more favorably)?
 - c. Will the anticipated research outcomes potentially factor into instructor’s assessment of **students**?

Is permission from the school/organization required?

Generally yes, but documentation by the IRB/HRPP is not required for Exempt Category 1 projects; however, the IRB/HRPP strongly recommended researchers get this documentation for their own

records. **Our office encourages researchers to talk to the school and/or district to see if there are agreements or templates they use already for research.**

How can I recruit participants?

Researchers can choose how they want to distribute the recruitment material and consent documents that is most appropriate for the population.

Examples:

- Researchers host a parent information night about the upcoming research opportunity and provide parent permission forms at the event.
- Paper recruitment letters and consent forms sent home with students
- Asking the school or teacher to email the recruitment and parent permission form
- Tabling at a school or community event

How do I obtain consent from participants?

In research with **children as participants**:

- When conducting research with participants who are children, the parent(s) of the child should be approached first. Parent permission must be obtained before child assent is obtained and the child can participate in the research.
- Parent permission and child assent must be provided before research activities can begin.
- If the child does not assent but the parent provides permission, the child must not participate in the research. Similarly, if the child provides assent but the parent does not provide permission, the child must not participate.
- **Remember that parental permission must be active, not passive.** A lack of response cannot be assumed to indicate permission to participate in research activities.

If a participant reaches legal age while the study is still being conducted, the participant must re-consent to study procedures as an adult. Parental permission is no longer required for these participants even if they are still in high school.

Research with **adults as participants**:

- Adults can give consent to participate and parent permission is not required. However, if the researcher is working with adults who are decisionally impaired or especially vulnerable, having a legally authorized representative give permission and the adult student give assent could be more appropriate.

What if I'm the teacher in the K-12 classroom I'm doing the research in?

If you are the teacher in a K-12 classroom, you need to establish a boundary between practice and research. There is an inherent power dynamic in a classroom setting between teachers and students.

If graded student material is collected for research purposes, FERPA will apply. This requires a legal, signed permission form from the parent or guardian. See "Does FERPA apply to my research?" below.

How will students who are not participating be removed from the research? Remember, Category 1 research requires that the research activities are not likely to adversely affect student learning. For example, if you are taking video of a lesson and you move students out of frame who did not assent to participate or didn't receive parent permission, do these students have 504/IEP protections that require them to sit in certain areas in the class? What if the students who did not participate are recorded moving through the frame or answer questions?

Generally, for Exempt Category 1 projects, researchers cannot:

- Move non-participants out of the classroom during research activities
- Use new or novel methods not currently in use in this academic setting
- Give non-participants different work to complete while participants are doing research activities

What if I'm the instructor or T.A. in the WSU classroom I'm doing the research in?

If you are the instructor or a T.A. in a class, you will need to establish a boundary between practice and research. There is an inherent power dynamic in a classroom setting between teachers, T.A.s, and students.

When recruiting students in a class where the PI or co-PI is the instructor or T.A., the risk of undue influence needs to be minimized. Study personnel should not recruit from their own classes; asking colleague or department personnel to come and introduce the study or email out information about the research is recommended.

Instructors and T.A.s need to be aware of the information they have access to as part of their assistantship/employment versus what they would need access to as a researcher. If the research requires access to information, you wouldn't have if you weren't the teacher (e.g., school databases, grade information, student ID numbers), you will need to explain how you will have access to this data as a researcher and how it will be protected.

Instructors or T.A.s should not view research data until final grades are posted, and this should be included in the consent document.

Does FERPA apply to my research?

The **Federal Family Educational Rights and Privacy Act (FERPA)** of 1974 identifies the rights of students and their families with respect to student educational records kept by institutions. [Washington Administrative Code 504-21-010](#) addresses disclosure of student records.

Each school/institution/district will have their own FERPA guidance and materials for researchers.

Generally, FERPA applies to graded coursework completed by students.

- If you are using graded coursework without de-identifying the material, written permission is needed.
- If you (as a teacher) are getting graded coursework from another teacher, written permission is needed.

- If the T.A. who is a researcher is getting information they wouldn't usually have access to, written permission is needed.

FERPA data is federally regulated and requires written consent to release this to researchers. Written consent is defined as:

- A signature on a paper document (called a "wet signature")
- A form digitally signed using eSignature or dual authentication.
 - When research is conducted at WSU, sending the consent form to a student's wsu.edu email address from the researcher's wsu.edu email address is considered dual authentication because of the security needed to access these email accounts.

Parents/students have the right to request copies of records. **These rights transfer from parent to student at age 18.** Parents/students have the right to request correction of records, and schools must have written permission to disclose these records with certain exceptions (e.g., school officials, transferring schools, judicial proceedings).

Research funded by the U.S. Department of Education

If your research is funded by the U.S. Department of Education, then additional regulations apply for parent involvement requirements and the types of data that can and can't be collected from students. These protections are found in **The Protection of Pupil Rights Amendment (PPRA)**. Contact our office for further guidance.

Resources

The Office of Human Research Protections under the U.S. Department of Health and Human Services' consent guidance: <https://www.hhs.gov/ohrp/regulations-and-policy/guidance/faq/informed-consent/index.html>

Washington State University's FERPA guidelines for faculty and staff: <http://ferpa.em.wsu.edu/faculty-staff/>

U.S. Department of Education's guidance for protecting student privacy: <https://studentprivacy.ed.gov/>