IRB GUIDANCE: FERPA and Research

This guidance provides information about the Family Educational Rights and Privacy Act and how it applies to human subjects research projects.

The Family Educational Rights and Privacy Act (FERPA) is a Federal law administered by the U.S. Department of Education; 34 CFR Part 99. FERPA applies to all educational agencies and institutions that receive federal funding.

Purpose

FERPA aims to protect the privacy of Student Education Records. Education records include any record containing any personally identifiable information (PII) directly related to the student. PII is not limited to name, but may include indirect identifiers as well.

Examples include:
- Documents with a student’s name, ID number, or other identifier;
- Class rosters or grade lists;
- Place of birth;
- Ethnicity;
- Residency status;
- Advisor’s name;
- Class schedule;
- Courses completed;
- Grades;
- Disciplinary records;
- Student info displayed on a computer screen.

Access

In many cases student education records are accessible to and used by instructors, teachers, and administrators for the purposes of conducting the duties of their job. For example, as part of a teacher’s job, there is natural access to student’s assignments, test scores, and attendance records in order to evaluate performance and ultimately assign a grade. However, this same teacher cannot use this natural access for other intents and purposes, such as research. If this teacher wants to use this student data for research purpose, FERPA applies and consent is required, unless one of the exceptions to consent as outlined in FERPA is met.
Consent

Use of educational records for research purposes requires consent. Consent form must:
- Specify the records to be disclosed;
- State the purpose of the disclosure;
- Identify the party to whom the disclosure is to be made;
- Include a dated student signature

Exceptions

Exceptions allowing for the use of educational records for research purposes without consent include:
- The only PII obtained constitutes “directory information: and the student has not opted out of having his/her information included in the directory;
- The release is to an authorized representative of state/local educational authorities for an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements related to those programs;
  - Investigators must provide IRB with evidence that they are acting as authorized representatives of a state or local educational authority and that their audit or evaluation meets the conditions describe above (e.g. a Memorandum of Understanding between university and educational authority);
- The release 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;
  - A written agreement which meets criteria listed FERPA between the university and the educational agency or institution is required.

For additional guidance and information, contact University of Denver Office of Research Compliance at (303)871-4050 or at: IRBAdmin@du.edu