

## **FAQ: Use of student education records for research under FERPA requirements**

The Federal Family Educational Rights and Privacy Act affords certain rights to students and parents of minor students including the right to privacy with respect to disclosure of their education records. Only directory information can be released without student consent. For a list of directory information see

<https://inside.tamuc.edu/admissions/registrar/FERPA/directoryInformation.aspx>

Education record information protected under FERPA includes but is not limited to:

- University ID Number, Social Security Number, Date of Birth
- Race/ethnicity, country of citizenship
- All graded material
- GPA
- Transcripts
- Class rosters
- Class schedules

FERPA protected records may be used for research purposes under one of three conditions:

- A) The student provides written permission. Written permission must include
  - a. Description of the records to be disclosed
  - b. Purpose of the disclosure
  - c. Party or class of parties to whom the disclosure may be made
  - d. Time period or event to which the permission pertains
  - e. Signature of the student and date
- B) The institution whose education records will be used determines that the records will be used by school officials with legitimate educational interest
- C) The researcher receives records that do not include personally identifiable information

### A. The student provides written permission

When a researcher wishes to access identifiable education records solely for research purposes, FERPA consent is required. The researcher must document the FERPA consent by having the student sign and date a one-time FERPA release. This requires IRB approval.

### B. There is a legitimate educational interest

Faculty are not automatically entitled to access all information about their students. Faculty have a legitimate educational interest in information only if that information is relevant and necessary for them to fulfill their role in the student's education. Researchers may be considered school officials with a legitimate education interest when the research is necessary in order for the school official to fulfill their professional responsibility. Such research may include research designed to study the effectiveness of an instructional technique, curricula, or classroom management method. If faculty are undertaking this research (as opposed to an institutional effectiveness unit), this requires IRB approval.

### C. The researcher receives de-identified data

Faculty researchers can receive de-identified data from a school official usually the Registrar's Office. This requires approval from IRB and the Registrar's Office (see the following link <https://inside.tamuc.edu/admissions/registrar/documents/IRB%20Data%20Request%20Feasibility%20Form3.pdf>.)

Faculty researchers who are also teachers cannot de-identify their own students' records or the student records of their colleagues and use them for research purposes. The process to request FERPA protected records from the Registrar is as follows:

- The PI completes the IRB Data Request Feasibility Form as part of the IRB submission
- The application is reviewed by the IRB
- If the IRB approves the submission, the form will be signed and dated and sent back to the PI
- The PI sends this form with the data request for release of the data to the Registrar's Office
- The Registrar's office will determine if the PI is still approved to receive the data