

WORKSHEET: FERPA

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This worksheet is used to determine whether schools that receive funds under any program administered by ED comply with FERPA regulations as FERPA relates to <Human Research>.

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Applicability

The Family Educational Rights and Privacy Act (FERPA) applies when investigators obtain student records or personal education information from an education program as defined as any program principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education.

1. One of the following categories must be true

1.1	<input type="checkbox"/>	Written consent <i>34 CFR §99.30</i>
	1.1.1	<input type="checkbox"/> The parent or adult student will provide a signed and dated written consent (see Footnote 1)
	1.1.2	<input type="checkbox"/> The written consent specifies the records that may be disclosed, states the purpose of the disclosure, and identifies the party or class of parties to whom the disclosure may be made
	1.1.3	<input type="checkbox"/> Upon request of a parent or adult student, the educational agency or institution will provide him or her with a copy of the records disclosed
	1.1.4	<input type="checkbox"/> If the parent of a non-adult student so requests, the agency or institution will provide the student with a copy of the records disclosed
1.2	<input type="checkbox"/>	Waiver of Consent <i>34 CFR §99.31(a)(6)</i>
	1.2.1	<input type="checkbox"/> 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
	1.2.2	<input type="checkbox"/> The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information
	1.2.3	<input type="checkbox"/> The information is destroyed when no longer needed for the purposes for which the study was conducted
	1.2.4	<input type="checkbox"/> The educational agency, institution, or State or local educational authority or agency enters into a written agreement with the organization that: <ul style="list-style-type: none"> • Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed • Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement • Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests • Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed
1.3	<input type="checkbox"/>	De-identified records and information <i>34 CFR §99.31(b)(1)</i>
	1.3.1	<input type="checkbox"/> All personally identifiable information (see Footnote 2) has been removed such that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information
1.4	<input type="checkbox"/>	Coded records and information <i>34 CFR §99.31(b)(2)</i>
	1.4.1	<input type="checkbox"/> The educational agency, institution, or party that has received education records or information attaches a code to each record that may allow the recipient to match information received from the same source
	1.4.2	<input type="checkbox"/> The educational agency or institution or other party that releases the data does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code
	1.4.3	<input type="checkbox"/> The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student
	1.4.4	<input type="checkbox"/> The record code is not based on a student's social security number or other personal information

2. Notes

3. Footnotes

3.1	"Signed and dated written consent" may include a record and signature in electronic form that: (1) Identifies and authenticates a particular person as the source of the electronic consent; and (2) Indicates such person's approval of the information contained in the electronic consent.
3.2	The term "personally identifiable information" includes, but is not limited to: <ul style="list-style-type: none"> • The student's name • The name of the student's parent or other family members • The address of the student or student's family • A personal identifier, such as the student's social security number, student number, or biometric record • Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name • Other information that, alone or in combination, is linked or linkable to a specific student that • Would allow a reasonable person in the school community, who does not have personal knowledge of: <ul style="list-style-type: none"> • The relevant circumstances, to identify the student with reasonable certainty • Information requested by a person who the educational agency or institution reasonably • Believes knows the identity of the student to whom the education record relates