

FERPA: The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records, addressing when the disclosure of such records is permissible, and affording certain rights to parents and students. This law applies to all education programs at all levels (K-12; postsecondary) that receive funds under an applicable program of the U.S. Department of Education.

Definitions

Eligible student: as defined by FERPA, a student who has reached 18 years of age or is attending a postsecondary institution at any age.

Student: as defined by FERPA, any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

Educational records: those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Examples of educational records include:

- Documents with a student's name, ID number, SSN, 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

Guidance

A researcher who has natural access to student records as part of their employment cannot access those records for research purposes without appropriate consent from the student. Parental consent, documented with their signature and date, is required for the release of FERPA protected student records for minors.

The Consent form must do the following:

- 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/parent signature (for students who are minors)

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 (at GMU, the Registrar's Office maintains the list of students who have opted out of 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;
- 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;
- Instructors may use their students' coursework/tests/grades and information gathered during other class activities for their own research purposes without consent as long as they do not share any identifiable information with any other person or as part of their research findings

If an educational institution denies a researcher access to educational records protected by FERPA, the GMU IRB cannot overrule that decision. At GMU, the Office of the Registrar determines whether a researcher's request for access to educational records is approved or denied regardless of whether or not the study has received IRB approval.

Where an educational institution has agreed to provide a researcher with education records, the researcher must comply with all conditions and requirements imposed by the educational institution. In addition, where an educational institution has agreed to provide a researcher with education records without consent, the IRB may still determine that consent is necessary under other requirements, including the IRB's general mandate to ensure the welfare of human subjects.

Additional information can be found at: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> or http://registrar.gmu.edu/ferpa/?_ga=1.211453205.1443740248.1411130601.

Please direct questions about FERPA to the GMU Office of the Registrar at: ferpa@gmu.edu. You can register for FERPA training at: workshops.gmu.edu.