

How does FERPA affect researchers

Family Educational Rights and Privacy Act protects the privacy of students by giving them control over the disclosure of their educational information to third parties.

The FERPA regulations are found in 34CFR99.

The Federal government can withhold federal funds if University does not comply.

Personally Identifiable Information: student name, parent or other family member names, addresses, personal identifiers (social security number or student ID), personal characteristics, or information that would make them traceable. The Student must provide explicit consent to release this information, unless it is documented to be directory information by the university.

Educational Information: records, files, documents and other materials which contain information directly related to a student and maintained by an educational agency. Examples include grades, GPAs, test scores, attendance records, course schedules, psychological evaluations, behavior assessments and any document containing such information.

Directory Information: certain information designated in a public space as directory information and students have an opportunity to request their information not be disclosed. To review the list of information that UL Lafayette has designated as directory information, go to:

<https://registrar.louisiana.edu/services-resources/student-privacy>. A consent form is not required to obtain this information.

Researchers wishing to obtain any information not identified as Directory Information will need to obtain specific consent from the student indicating their approval to release the information to the researcher.

NOTE - Researchers who work at UL Lafayette and wish to obtain non-directory information for use in research that is furthering the pursuit of their own degree or academic credential do not qualify for the exception allowing University Officials with **legitimate educational interests** to access the non-public educational information.

The National Center for Education Statistics lists the following as **legitimate educational interests**:

Necessary to perform job

Limited to the work of the office in question and NOT used for any extraneous application or outside the office's responsibility (using the information in thesis or dissertation research is extraneous to the work of the office)

Information use is consistent with the purposes for which it is maintained.

For example, when a University collects and stores ACT scores to determine entrance to the University and Scholarship awards, using the ACT scores to review/revise policy or choose candidates for focus groups would not be consistent with the original purpose.

To obtain protected educational information without consent, the researcher must have a written agreement with the institution specifying the study is only for:

Developing, validating, or administering predictive tests
Administering student aid programs
Improving instruction

To obtain protected educational information with consent, the researcher must do the following:

Have the student sign a consent form that specifies:

The specific information to be disclosed
The person who will receive the information
The reason for the disclosure

Example FERPA Consent form

FERPA CONSENT TO RELEASE STUDENT INFORMATION

TO: _____ (Name of University Official and Department that will be releasing the educational records)

Please provide information from the educational records of _____ [Name of Student requesting the release of educational records] to:

_____ [Name(s) of person to whom the educational records will be released, and if appropriate the relationship to the student such as “parents” or “prospective employer” or “attorney”]

(Note: this Consent does not cover medical records held solely by Student Health Services or the Counseling Center – contact those offices for consent forms.)

The only type of information that is to be released under this consent is:

transcript
 disciplinary records
 recommendations for employment or admission to other schools
 all records
 other (specify) _____

The information is to be released for the following purpose:

family communications about university experience
 employment
 admission to an educational institution
 other (specify) _____

I understand the information may be released orally or in the form of copies of written records, as preferred by the requester. I have a right to inspect any written records released pursuant to this Consent (except for parents’ financial records and certain letters of recommendation for which the student waived inspection rights). I understand I may revoke this Consent upon providing written notice to [Name of Person listed above as the University Official permitted to release the educational records]. I further understand that until this revocation is made, this consent shall remain in effect and my educational records will continue to be provided to [Name of Person listed above to whom the educational records will be released] for the specific purpose described above.

Name (print) _____

Signature _____

Student ID Number _____

Date _____