

## **Guidance for Researchers: Family Educational Rights and Privacy Act (FERPA) as it applies to research with student records**

### **What is FERPA?**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student.

### **Does FERPA apply to my research?**

FERPA will apply to your research if you are accessing *education records*. Education records/student data include all records maintained by the educational institution that is directly related to its past or present students. These records are directly related to students if they contain any personally identifiable information.

Education records/student data are any records maintained by Virginia Tech (or other federally supported educational institution) where the identity of the student can be inferred directly or indirectly. Examples of student data include:

- Registrar records
- Transcripts
- Graded papers
- Exams
- Class schedules
- Financial aid records
- Unofficial records (ex. hand-written notes)
- Religious affiliation
- Citizenship
- Disciplinary status
- Attendance
- Grades/exam scores
- Test scores
- Progress reports

You can find a complete list of identifiers here: [U.S. Department of Education](#).

### **When may information from education records be disclosed?**

Information from education records may only be disclosed only if 1) it is "directory information," 2) the student has consented to the disclosure, or 3) the law provides an exception that permits disclosure without the student's consent.

## What is directory information?

FERPA allows institutions to designate certain information as directory information, and this information may be released without the student's consent. Virginia Tech defines directory information as follows:

- Student's name
- Local and Permanent Address (*student must opt-in for third party release*)
- Telephone Number (*student must opt-in for third party release*)
- Virginia Tech Email Address (*student must opt-in for third party release*)
- Major field of study (including second majors, minors, etc.)
- Whether a student is currently enrolled
- Enrollment status (full-time, half-time, etc.)
- Class (freshman, sophomore, etc.)
- Academic level (associate, undergraduate, graduate, professional)
- Anticipated graduation date
- Certification of application for degree
- Dates of enrollment
- Degree(s) earned, including date, honors and level of distinction
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Electronic Theses and Dissertations (ETD)

Therefore, if you are only accessing or using directory information from Virginia Tech, you will not need additional permissions to access this information.

If you have questions about whether the information you are collecting data from an institution other than Virginia Tech would be considered directory information, you should contact that institution directly.

## Who should I contact for permission to access student records? How do I obtain permission?

Permission to access student records is given from the University Registrar. You will first submit your study documents including any documents to be used to obtain FERPA permission from parent/eligible student to the HRPP for review via Protocol Management. Following submission and review of your study, HRPP will issue a conditional approval for research that needs additional permission to access student records.

The conditional approval will direct you to submit a request for FERPA approval to Robin Lucas c/o Rick Sparks of the University Registrar at [ralucas@vt.edu](mailto:ralucas@vt.edu).

The email to obtain permission to collect, access, or use Virginia Tech student data should include:

- Principal investigator
- A summary and/or description of planned research to be conducted.
- The scope and duration of the study (target audience related to the research project and anticipated length or time period to complete the proposed research).
- A complete list of any and all data information being requested (examples include: "data of birth, GPA, SAT/ACT scores).
- The times interval (dates) for the data (e.g., test scores for Engineering freshman for the 2024 - 2025 fall semesters).
- Timeline and method to destroy data after research has been completed.
- A data security plan that provides details on how the student data will be protected.

After communication with the registrar, submit the registrar's permission to the IRB via Protocol Management. Final approval for the research will then be given from the IRB. You must have approval from the registrar and the IRB before the research can begin.

### **How do I obtain permission from students to access their records?**

In order for a researcher to access student records for research, they must obtain signatures/e-signatures for written release from the student (or parent for minors) for the release of their records. In the case of research, you can include this information in the information sheet or the informed consent document. In this case, the information sheet or consent document must include:

- The specific data being collected.
- A description of how the data will be used.
- A statement that the signed release will be retained indefinitely.
- Signature lines for collecting written or electronic signatures
- A statement similar to: "federal laws state that you must give permission for researchers to access your school records. By giving consent to participate, you are also providing consent to access the following school records: [...]"

In the case of a research study that does not need written consent for participation, written permission for the student records is still needed. The IRB does not have the authority to waive this requirement. When signed releases are obtained to access student records, they should be stored indefinitely. Please ensure your data protection plan includes the information regarding this storage.

### **How can I use Student Data according to FERPA?**

- Use the student data only for your approved research project. New approval is needed if you use the information for any additional research.

- Have protections in place to ensure that the student data is not compromised or subject to unauthorized access.
- Ensure that only the research team members have access to the personally identifiable information.
- Ensure that all data is properly de-identified before any sharing to avoid unauthorized disclosure to third parties.

### **What if my research includes collecting information from student records at another institution?**

Access to student records at other institutions is subject to that institution's policies. You should contact that institution directly for more information about their policies. The researcher should obtain permission from that institution to conduct the research, and written assurance provided to Virginia Tech's IRB that the school complies with requirements of FERPA. Submit this communication along with the research protocol and supporting documents to the IRB via Protocol Management for review and approval.

### **Using De-Identified Records**

De-identified student records may not be considered human subjects research and would not fall under HRPP purview. If you are only using de-identified student records for your project, please submit a Research Determination Form to HRPP via Protocol Management. Please consult with the University Registrar regarding FERPA and using de-identified records in research.

### **What are the summarized steps I need to take?**

- Determine if you need student data for your research.
- If yes, determine which records you will need.
- Form a plan you will follow to ensure the safety of the data.
- Submit all study documents including any documents to be used to obtain FERPA permission from parent/eligible student to the IRB for review via Protocol Management.

\*Remember to include the appropriate language discussed above in the documents for obtaining permission for the data from the parent or eligible student in your IRB submission. This may be combined with your research consent document or information sheet.

\*Obtaining permission from the parent/eligible student for student data cannot be waived.

- Following conditional approval from the IRB, obtain approval from the registrar (or appropriate authority at an institution other than Virginia Tech) to access these records.
- Submit the registrar's permission to the IRB via Protocol Management.
- Obtain both registrar and IRB approval before research can begin.

**For more information about FERPA, see [US Department of Education FERPA website](#)**