



### **When does FERPA apply?**

1. When a researcher proposes to access personally identifiable information contained within a student's educational record; and
2. When the school (Pre-K-12 and including postsecondary institutions, as well as continuing education) receives funds under various programs from the U.S. Department of Education.

### **When is Written Consent Required to Access Educational Records?**

Anytime a researcher proposes to access personally identifiable information contained within a student's educational record, prior written consent is generally required.

1. Accessing educational records of children requires permission of the parent(s) or legally authorized representative. Child assent may also need to be documented.
2. The consent process must be described in the IRB application for review by the board.
3. The consent document(s) with the specific request to access the subject's educational records must receive IRB approval prior to accessing the records.

FERPA and IRB requirements are considered to be met if a student signs a consent form to participate in a study and authorizes release of his/her educational records for research purposes.

### **Exceptions to the Consent Requirement:**

The following are common situations for which student records can be disclosed without consent for research purposes:

- I. Directory information as defined by the school or educational institution may be used, unless the parent or guardian (Pre-K-12) or the student (post-secondary and beyond) have restricted the release of the directory information. This must be checked just before using the data as restrictions may be updated at any time
  1. Directory information often includes the student's name, address, telephone listing, electronic mail address, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, degrees, honors and awards received, and the most recent educational institution attended.
  2. The University of Missouri's definition of directory information includes is available at the following website: <http://registrar.missouri.edu/policies/ferpa.php>.

3. The following are never designated as directory information: a student's social security number, citizenship, gender, religious preference, grades, and Grade Point Average (GPA).
  4. Each educational institution designates what information is considered directory information. If researchers propose to access student records at another institution, researchers should contact each institution and follow that institution's FERPA policy when accessing directory information. The policies for all University of Missouri institutions are the same. See [https://www.umsystem.edu/ums/rules/collected\\_rules/information/ch180/180.020\\_student\\_records](https://www.umsystem.edu/ums/rules/collected_rules/information/ch180/180.020_student_records)
- II. Information may be used if all personally identifiable information has been removed from the educational record including prior to access by the researcher
1. Student's name and other direct personal identifiers, such as the student's social security number or student number;
  2. Indirect identifiers, such as the name of the student's parent or other family members; the student's or family's address, and personal characteristics or other information that would make the student's identity easily traceable; date and place of birth and mother's maiden name;
  3. Biometric records, including one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting;
  4. 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 the relevant circumstances, to identify the student with reasonable certainty.
- III. Organizations conducting certain studies for or on behalf of the school (provided the institutions research board has cleared the research);
- (A) Develop, validate, or administer predictive tests;
  - (B) Administer student aid programs; or
  - (C) Improve instruction.

A school district or postsecondary institution that uses this exception is required to enter into a written agreement with the university or researcher conducting the research.

### **Requests to Waive the Informed Consent Process or Documentation**

1. The investigator will need to initiate contact with the appropriate institutional registrar's office. When the study involves MU student records, investigators will contact the University of Missouri's Office of the University Registrar when an exception is requested for MU records. The Registrar's Office for the entity will assist in making a final determination if the study meets the criteria to release educational

- information without a signed consent form. The investigator will need to have started an IRB Application in order to have an IRB number to reference with the Registrar's office.
2. For non-exempt studies, researchers must include rationale for waiver of consent requests in the IRB application even in circumstances where FERPA allows access without prior consent.

### **Additional FERPA Requirements**

1. Researchers may need permission from the Office of the University Registrar to access educational records at the University of Missouri. University requirements are available at the Office of the University Registrar's web page: <http://registrar.missouri.edu/policies/ferpa.php>. Researchers working with other institutions need to follow the all policies established for educational records release.
2. In accordance with FERPA, an educational institution has the authority to determine what information may be accessed from an educational record. If an institution denies an investigator access to information in an educational record, the IRB cannot overrule the decision.
3. FERPA and the Health Insurance Portability and Accountability Act (HIPAA) regulations provide conflicting requirements for medical records. In some situations, FERPA is more restrictive than HIPAA for researchers. Researchers should contact each educational institution and follow that institution's applicable policies, whether FERPA and/or HIPAA policy when accessing student medical records.

Note: An institution will not release any information on a student, even directory information, if a student has chosen to "opt out".

### **Contacts for Additional Information**

If you have research questions, contact: MU IRB 573.882.3181 or [muresearchirb@missouri.edu](mailto:muresearchirb@missouri.edu).

For questions regarding the University of Missouri's FERPA requirements, contact: The Office of the University Registrar, at 573-882-7881 or [umcunivregistrarwr@missouri.edu](mailto:umcunivregistrarwr@missouri.edu).