



Grand Valley State University Institutional Review Board (IRB)	
<i>G-17: Guidance on FERPA in Human Subjects Research Studies</i>	
Issued: 06/04/2019	Office of Research Compliance & Integrity

### **What is FERPA?**

FERPA stands for the Family Educational Rights and Privacy Act of 1974. It grants four specific rights to the parents of students in primary or secondary schools, or to post-secondary students:

- To see the information that the institution keeps on the student
- To seek amendment to those records and in certain cases append a statement to the record
- To consent to disclosure of the student's records
- To file a complaint with the FERPA Office in Washington, D.C.

Remember, staff and faculty can access education records only for legitimate educational interests and research is excluded from this definition at GVSU.

### **Research vs. Evaluation**

If a faculty member would like to review the education records of former students to assess if an instructional change made in class had the intended impact and to identify areas of improvement, this is an allowable use of the education records. This is for a legitimate educational purpose and FERPA authorization is not needed.

If a faculty member randomizes her classes to study the effect of active versus traditional learning, this may be research and FERPA authorization would be required to analyze the student records.

### **When does FERPA apply to research?**

If the researcher seeks to access or review identifiable education records for research purposes, then FERPA applies. At GVSU, research is not a legitimate educational interest and written authorization from the student is required to access records for this purpose. This applies even if the researcher was the faculty member who taught the students. Note that, for GVSU purposes, this authorization must be hand-written. Verbal, typed or electronic authorization is not acceptable unless the permission of the GVSU Registrar has been obtained. For research conducted in primary and secondary schools, the researcher must follow the documentation requirements of the schools.

### **Identifiable vs. De-Identified data**

Personally identifiable information includes:

- The student's name and 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 the relevant circumstances, to identify the student with reasonable certainty
- Information requested by a person who the institution reasonably believes knows the identity of the student to whom the education record relates

If all direct and indirect identifiers have been removed by a third party before the researcher obtains the data, the information is considered de-identified and is no longer protected by FERPA. However, if a faculty member de-identifies education records for the purposes of using them for a research study, that faculty member will still need FERPA authorization. This is because the records were identifiable at the start of the project.

#### **FERPA expiration**

FERPA covers education records for the lifetime of the student/former student. If identifiable records from former students need to be used for research purposes, those former students must provide written authorization for this use, regardless of when they attended the school.

#### **Waiver of FERPA authorization**

The FERPA regulations do not allow for any waiver of consent. As such, written FERPA authorization must be obtained if the education records will be used for research purposes.

#### **Elements of FERPA authorization**

In most cases, the FERPA authorization can be combined with the research consent form so students (or parents in the primary and secondary school setting) only need to sign a single document. This document must contain the following:

- Specify the records that may be disclosed/used
- State the purpose of the disclosure/use
- Identify the party or class of parties to whom the disclosure may be made
- Signature and date signed

#### **Further information**

For more information about FERPA, please contact the [GVSU Office of the Registrar](#) (616-331-3327) or the [GVSU Division of Legal, Compliance & Risk Management](#) (616-331-2067).