



WORKSHEET: FERPA Compliance

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The purpose of this worksheet is to provide support for the FERPA officer determining whether personally identifiable information can be released from student records or personal education information from an education program (defined as: any program principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education) receiving funding from the U.S. Department of Education. This worksheet is to be used. It does not need to be completed or retained.

Requirements for Disclosure for Human Subject Research Purposes (one of the following categories must be met)

<input type="checkbox"/>	<p>The parent or eligible student will provide a signed and dated written consent that discloses:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The records that may be disclosed; <input type="checkbox"/> The purpose of the disclosure <input type="checkbox"/> The party or class of parties to whom the disclosure may be made <input type="checkbox"/> If a parent or adult student requests, the school will provide him or her with a copy of the records disclosed <input type="checkbox"/> If the parent of a student who is not an adult so requests, the school will provide the student with a copy of the records disclosed.
<input type="checkbox"/>	<p>The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party—</p> <ul style="list-style-type: none"> • Performs an institutional service or function for which the agency or institution would otherwise use employees; • Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and • Is subject to the requirements of §99.33(a) governing the use and redisclosure of personally identifiable information from education records.
<input type="checkbox"/>	<p>The disclosure is to State and local officials or authorities to whom this information is specifically—</p> <ul style="list-style-type: none"> • Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or • Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of 34 CFR §99.38. (A State from further limiting the number or type of State or local officials to whom disclosures may be made.)
<input type="checkbox"/>	<p>The disclosure 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. Where:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; <input type="checkbox"/> The information is destroyed when no longer needed for the purposes for which the study was conducted <input type="checkbox"/> The school enters into a written agreement with the organization that: <ul style="list-style-type: none"> <input type="checkbox"/> Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed <input type="checkbox"/> Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; <input type="checkbox"/> Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests <input type="checkbox"/> Requires the organization to destroy or return to the school all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed



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- The disclosure is of records in which the school or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. "Not personally identifiable" means information that includes none of the following:
 - Student's name and other direct personal identifiers, such as the student's social security number or student number.
 - 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.
 - 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.
 - 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.

- The disclosure is of records in which are de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that—
 - The school or other party that releases de-identified data does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
 - The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
 - The record code is not based on a student's social security number or other personal information.