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| The purpose of this decision tree is to assist in answering the question of whether FERPA is applicable to the research. |
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Is the project conducted in an educational agency or institute that receives Department of Education funding?

Does the project involve Educational Records?

(Any record that can be linked directly to a student, i.e. class assignments, advising notes, transcripts, videos of students in class, online discussions, etc.)

Yes

FERPA does

NOT apply

No

No

Can you readily ascertain an individual’s identity from the Educational Record?

Yes

No

FERPA does

NOT require consent/parental permission for access to the educational records.

Yes

Is the information limited to “Directory Information”?

Yes

FERPA does

NOT require consent/parental permission for release of directory information. However, provides certain addition conditions are met, i.e., public notice to parents/student’s and parents’/students’ right to refuse.

Is the study conducted for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction?

No

No

FERPA requires consent/parental permission for access to educational records.

Consent must:

* Be dated and signed (electronic signatures are ok in authenticated environment)
* Specify the records to be disclosed
* State the purpose of the disclosure
* Identify to whom the disclosure may be made

Yes

Waiver of consent/parental permission may apply.

Contact FERPA Compliance Officer in Registrar’s office to determine if waiver can be applied.

 A written agreement with the organization is required, specifying the purposes of the study and the use and destruction of the information. 34 CFR § 99.31(a)(6)

Phone: 361-825-2624

http://registrar.tamucc.edu/Faculty\_Staff/Contact\_registrar.html

Include the outcome of this discussion in your IRB application.