

**Unofficial FERPA Review for Data Studies**  
**Community Colleges of Spokane**  
**Compiled by Travis Merrigan tmerrigan@ccs.spokane.edu**

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - **Organizations conducting certain studies for or on behalf of the school;**
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.
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- **§ 99.31(a)(6) Organizations conducting studies.** Current regulations restate the statutory provision that allows a school district or postsecondary institution to disclose personally identifiable information from education records, without consent, to organizations conducting studies “for, or on behalf of” the disclosing institution for purposes of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction...
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**The final regulations require a school district or postsecondary institution that uses this exception to enter into a written agreement with the recipient organization that specifies the purposes of the study.** The written agreement must specify that information from education records may only be used to meet the purposes of the study stated in the written agreement and must contain the current requirements in § 99.31(a)(6) on redisclosure and destruction of information, as described above...

The final regulations also require that the written agreement must specify the purpose, scope, and duration of the study and the information to be disclosed; require the organization to destroy or return all personally identifiable information when no longer needed for the purposes of the study; and specify the time period during which the organization must either destroy or return the information.

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**Winnick, Palmer, Coleman. State Longitudinal Data Systems and Student Privacy Protections Under the Family Educational Rights and Privacy Act, 2006,**

<http://www.hkclaw.com/content/whitepapers/StateLongitudinalsDataSystems2.pdf>

**P 6: Disclosures for Studies.**

**General Scope.** Personally identifiable information also may be disclosed to an organization performing a study for a local educational agency or school to improve instruction. The U.S. Department of Education in letters has expressed the interpretation that to come within this authorized disclosure, it is not enough that a study undertaken by another organization may benefit the local educational agency or school. The study must be authorized by the local educational agency or school. This authority may be implemented to include disclosing personally identifiable information to organizations for independently initiated studies by promulgating state regulations or guidelines that provide a process for authorizing studies initiated by third parties in which the local educational agency or school has a clear interest (whether or not it funds the study) and including strong privacy protections against re-disclosure, consistent with FERPA.

**P 13: Organizations performing studies to improve instruction.** FERPA clearly authorizes disclosure by local education agencies or schools of students' personally identifiable information, without written parental consent, to organizations with which they have contracted or made other arrangements to perform for them or on their behalf studies, among other things, to improve instruction (subject to limits on re-disclosure and destruction of personally identifiable data when no longer needed for this purpose).<sup>17</sup>