

New requirement: Write a short paragraph stating which FERPA exception your proposed study falls under.

Explanation of FERPA Exceptions

CONDITIONS NECESSARY FOR ACCESS TO INIVIDUAL DATA

Studies	Audit or Evaluation
34 CFR § 99.31(a)(6).	34 CFR §§ 99.31(a)(3) and 99.35.
<i>The disclosure of PII from student education records must be for, or on behalf of, an educational agency or institution, in order to a. Develop, validate, or administer predictive tests; b. Administer student aid programs; or c. Improve instruction</i>	<i>The disclosure of PII from education records must be to a. Audit or evaluate a Federal- or State-supported education program; or b. Enforce or comply with Federal legal requirements related to the program.</i>

Researchers should add a FERPA exception statement in their proposal that includes the specific FERPA exception met, and how. In many cases, the write-up provided by the researcher in the “Benefit to Texas” section may already provide the ‘how,’ so the researcher can just add a sentence within that section that specifies the FERPA exception itself.

- ERC projects must fall under either the Audit/Evaluation exception, or the Studies exception (to develop, validate, or administer predictive tests; to administer student aid programs; to improve instruction)
- The statement does not necessarily need to be long – in a case where there is an easily identifiable FERPA exception that applies, the statement might only be one sentence.
 - For example: This project meets the requirements of the Audit/Evaluations FERPA exception because it will evaluate the XXXX program <<enter the name of the Federal- or State- supported educational program>>.
- Projects where the connection to a FERPA exception is not obvious may require a longer statement. For example, if the research is very broad and isn’t specifically measuring the mechanisms linking an independent variable to the outcome, the researcher may need to explain the path from their findings to a possible actionable change in education policy, practice, or instruction.
 - This may not be much different than when the Board asks researchers to explain on how their work can be of benefit to education policy in Texas (for this reason, it might make sense for the FERPA statement to be included in the benefit to Texas section of the proposal).
 - For example (in a project looking at the relationship between experiencing poverty in K-12, and postsecondary outcomes/workforce outcomes): This project meets the requirements of the Studies FERPA exemption because the findings can help improve instruction for K-12 students in Texas. Understanding the extent that experiencing poverty in K-12 affects later life education and workforce outcomes can inform targeted social and education policies to ensure Texas K-12 students are given the resources needed to meet key educational milestones.
- Resource:
 - https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20Exceptions_HANDOUT_horizontal_0_0.pdf