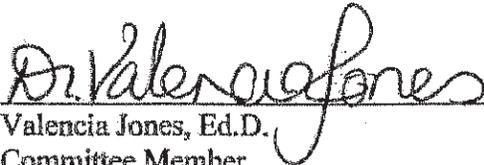


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This dissertation, PRIVACY RIGHTS FOR FAMILIES AND CHILDREN IN K-12 SCHOOLS: A MIXED-METHODS STUDY ON THE EFFECTS OF PERCEPTIONS OF EDUCATORS ON IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA), was prepared under the direction of the candidate's Dissertation Committee. It is accepted by the committee members in partial fulfillment of the requirements for the degree of Doctor of Education in the School of Education, Concordia University Irvine.



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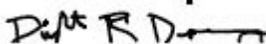


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PRIVACY RIGHTS FOR FAMILIES AND CHILDREN IN K-12 SCHOOLS: A MIXED-
METHODS STUDY ON THE EFFECTS OF PERCEPTIONS OF EDUCATORS ON
IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
(FERPA)

by

Michele Lee Cunha

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ABSTRACT

In the 1960s and 1970s, there was an important issue in education that dealt with student privacy. Student education records were not accessible to parents, and important decisions were being made for the students without input from the parents. Based on this abuse, the Family Educational Rights and Privacy Act (FERPA) was signed into law.

The purpose of this study was to determine if site administrators and teachers from educational institutions understand how to enforce FERPA. This study assessed the site administrators' understanding of FERPA via a survey with questions on the knowledge of FERPA, student data, and student/parent rights. The study also assessed the impact of providing FERPA training to site administrators with a pre- and post-test. Interviews were conducted with the teachers to gain an understanding of their knowledge of FERPA with questions on student confidentiality and student data. The methodology for this study was a mixed-methods approach that used a one-group pretest-posttest design for the quantitative research and was supplemented by the qualitative data.

The results presented in this study contribute to the research literature on the importance of being trained in FERPA to enforce compliance and protect student confidentiality and privacy. Although there was a small sample size, there were slight increases from the pre-test to the post-test, which reinforces the importance of being trained on FERPA.

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CHAPTER 1: INTRODUCTION

In the 1960s and 1970s, there was an important issue in education that dealt with student privacy. Student education records were not accessible to parents, and important decisions were being made for the students without input from the parents. Based on this abuse, the Family Educational Rights and Privacy Act (FERPA) of 1974 was signed into law. FERPA is a federal law that protects the privacy of student education records. The purpose of FERPA is “two-fold—to assure parents of students...access to their education records and to protect such individuals’ rights to privacy by omitting the transferability of their records without their consent” (Pittman, Batista, & Pittman, 2005, p. 10).

Background of the Study

In the 1960s and 1970s, privacy became an important issue in education (von Feigenblatt, Caldevilla Domínguez, & González Vallés, 2015). According to Senator James L. Buckley, there was a rising number of abuses related to student education records (Futhey, 2008; Student Press Law Center: FERPA and access to public records, 2005) such as evaluations of a student’s character, aptitude, and even their job prospects (von Feigenblatt et al., 2015). Educational institutions used their discretion on how to manage and use student information since there was not any standardized implementation (von Feigenblatt et al., 2015). The lack of standardization raised parental concerns that led Congress to start looking into the issue particularly in the elementary and high school level where the misuse of student education records could have an impact on the student’s future (Weeks, 2001). The lack of standardization resulted in Congress passing FERPA (FERPA Regulations, 2009, 34 CFR, Part 99).

FERPA, commonly known as the Buckley Amendment, was introduced to the House by Senator James L. Buckley in 1973 and signed into law on August 21, 1974, by President Gerald

Ford (FERPA, 1974, 20 U.S.C. § 1232g; von Feigenblatt et al., 2015). The new law took effect 90 days later on November 19, 1974, (Penrose, 2011) and was initially passed as an attachment to the Elementary and Secondary Education Act of 1965; therefore, there is no significant legislative history for the original provisions of FERPA (Daggett & Huefner, 2001). “Senator Buckley stated that the new law was intended to counter frequent, even systematic violations of the privacy of students and parents by the schools and the unauthorized, inappropriate release of personal data to various individuals and organizations” (Dougherty, 2008, p. 39). The authors of FERPA knew that the privacy of student education records must be balanced with other priorities, such as educational institutions educating students and law enforcement maintaining public safety (Dougherty, 2008).

FERPA is a federal law that protects the privacy of student education records and applies to educational institutions such as: public school districts, community colleges, and universities that receive federal funds, including financial aid, under any U.S. Department of Education administered program (National Forum on Education Statistics, 2006; O’Donnell, 2002; Wenkart, Morey, Saltzman, Barnes, & Garcia, 2015). Since private and parochial schools do not receive funding from the U.S. Department of Education, they are not subject to FERPA (FERPA guidance for parents, 2011). In addition to protecting student education records, FERPA also protects the privacy of student test scores and grades (Hilton, 2009).

FERPA is divided into two parts: first, it gives students the right to (a) inspect and review their student education records, (b) request corrections, (c) halt the release of personally identifiable information, and (d) obtain a copy of their educational institution’s policy concerning access to student education records; second, it prohibits educational institutions from disclosing personally identifiable information in student education records without the written

consent of the student, or if the student is a minor, the student's parents (FERPA, 1974, 20 U.S.C. § 1232g). For schools that fail to comply with FERPA, they risk losing their federal funding (FERPA, 1974, 20 U.S.C. § 1232g).

There are exceptions to the two parts of FERPA that allow otherwise confidential student education records to be released to certain parties or under certain circumstances. FERPA allows disclosure, without consent, to the following parties or under the following conditions:

(a) to school officials with a legitimate educational interest, (b) to other schools to which a student seeks or intends to enroll, (c) to education officials for audit and evaluation purposes, (d) to accrediting organizations, (e) to parties in connection with financial aid to a student, (f) to organizations conducting certain studies on behalf of a school, (g) to comply with a judicial order or lawfully issued subpoenas, (h) in the case of health and safety emergencies, and (i) to state and local authorities within a juvenile justice system. (FERPA, 1974, 20 U.S.C. § 1232g [b-1])

Statement of the Problem

FERPA protects student privacy related to student education records and prohibits educational institutions from releasing the information, such as non-directory and personally identifiable items derived from those records to the public (Cantrell, 2016). Since its passing in 1974, FERPA has been amended nine times and has seen additional regulations take effect with the most recent being in 2012 (FERPA Amendments, 2002).

Congress and the U.S. Department of Education protected the privacy of student education records by granting parents and students, if over 18, the right to control the disclosure and access to a student's education record as well as amending records that are incorrect (Graham, Hall, & Gilmer, 2008). Even with the adoption of FERPA and its amendments and

regulations, educational institutions still do not have an understanding of FERPA due to inadequate training or not participating in any training at all (Cantrell, 2016). It is imperative for academic administrators to maintain knowledge of FERPA's most current provisions (Jenkins, 2003).

Purpose of the Study

The purpose of this mixed-methods narrative study was to determine if site administrators and teachers from educational institutions understand how to enforce FERPA. The study also examined how site administrators effect change and implement FERPA.

Significance of the Study

One concern is that educational institutions do not know how to safeguard the confidentiality of their students and the student education records (Cantrell, 2016). Educational institutions and their administrators need to receive the proper training on how to abide by FERPA law and understand the repercussions if FERPA is violated (Cantrell, 2016). The administrator, as the educational institution's leader, must uphold and enforce FERPA law. It is imperative for academic administrators to maintain knowledge of FERPA's most current provisions (Jenkins, 2003).

The significance of this study was to determine if receiving training utilizing the *FERPA Training Toolkit* would result in a greater understanding of the importance of FERPA, its amendments and regulations, and its full implementation to real-world situations. As shown in Figure 1, the toolkit includes a FERPA survey, a pre- and post-test about FERPA, professional development training to address FERPA and its regulations, a checklist for classroom walkthroughs that can be used as a guide to ensure that teachers are enforcing FERPA, steps to protect the security and confidentiality of students, and a training manual that can be used by

administrators to their staff. An intended outcome of the study would be for the educational institution to use the *FERPA Training Toolkit* as part of their program and to require administrators to use it with their staff.

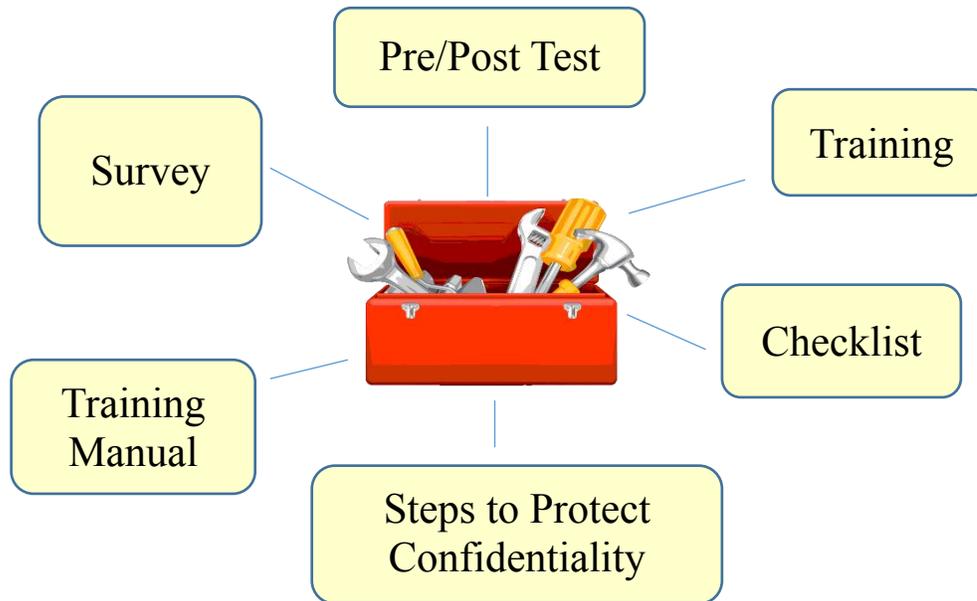


Figure 1. FERPA Training Toolkit. Cunha, 2017

The data from this study could be utilized to train administrators, teachers, and other district personnel. Teachers and administrators need to know about FERPA and its significance especially when it comes to publicly displaying student data. Under the language of FERPA, if teachers wish to post graded student work, it must be either without student names or any other personally identifiable information such as student ID numbers (Daggett & Huefner, 2001).

The training model developed in this study could be given by the administrators to the teachers at the beginning of the year as well as throughout the year to make sure that the teachers are abiding by the law when it comes to FERPA. The *FERPA Training Toolkit's* checklist could be used by the administrators when they are conducting classroom walkthroughs.

Definitions of Terms

The following terms are included as they relate to FERPA:

Directory Information: The information contained in a student education record that is not considered harmful or an invasion of privacy. Directory information could include student information such as name, home address, email address, telephone number, and date and place of birth. It may also include participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, the most recent previous educational agency or institution attended, photographs, grade level, and enrollment status.

Educational Institutions: Institutions such as public-school districts, community colleges, and universities where people of all different ages gain an education.

Eligible Students: Students that are 18 years of age and older are given all rights that were formerly given to their parents. They have the right to access their student education records and have it amended, the right to control the disclosure of personally identifiable information from their student education records, and the right to file a complaint with the Family Policy Compliance Office (FPCO).

Parents: As defined by FERPA, a parent includes a natural parent, guardian, or an individual acting as a parent in the absence of a parent or guardian. Divorced parents are to be given the same rights unless the educational institution has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes those rights.

Personally Identifiable Information (PII): The information contained in a student education record that would make it easy to identify the student. Personally identifiable information could include student information such as name, the name of the parents or other

family members, address, Social Security Number, identification number, date of birth, place of birth, mother's maiden name, and photograph.

Student Education Records: Records containing information recorded in any way directly related to a student that can be maintained by the educational institution. Student education records could include handwriting, print, computer media, videotape or audiotape, electronic files, film, microfilm, and microfiche.

The Family Educational Rights and Privacy Act (FERPA) of 1974: FERPA, also known as the Buckley Amendment, is a federal law that protects the privacy of educational records. On August 21, 1974, President Gerald Ford signed FERPA legislation into law.

Theoretical Framework

Student education records were created in the 1950s because there were none before that time. The records contained students' personal information such as family background information and information on childhood struggles, which could influence or predict future academic performance (Elliott, Fatemi, & Wasan, 2014). Student education records have evolved since the 1950s. Several factors have led to the maintenance of student education records:

- (a) to help create an environment that accommodates different learning abilities, information is gathered on family background, home environment, and any learning disabilities that might hinder intellectual growth;
- (b) to aid state and federal authorities in educational matters, such as financing special programs, students' attendance, minimum performance levels, standardized test results, and student ethnicity need to be maintained;
- and (c) computers and the ease of standardized testing to evaluate the intellectual

potential of students have contributed to the maintenance of fairly uniform student records. (Elliott et al., 2014, para. 2)

Before FERPA was enacted in 1974, parents and students had little to no access to student education records while outside authorities had immediate access without needing consent (Elliott et al., 2014). Before the passing of FERPA, state statutes left the right for parents to access student education records to the discretion of the state and local educational institution authorities (Elliott et al., 2014). Having little to no access to student education records created three problems for parents:

First, parents were forced to make major decisions about the academic future of their children without being able to access information in the student education records that may have been relevant. Second, because parents could not access the records, they could not check for any misleading or incorrect information. Third, the student education records were conveniently made available to outside authorities that would use them to make significant decisions about students' futures. (Elliott et al., 2014, Student Privacy Rights Prior to FERPA, para. 2)

With the increase of outside authorities accessing student education records and parents not being able to provide consent, Congress enacted FERPA to protect student privacy with their education records (McGee-Tubb, 2012). "Congress enacted FERPA pursuant to its power under the Spending Clause to spend for the general welfare and its accompanying authority to place conditions on the receipt of federal funds" (McGee-Tubb, 2012, p. 1052).

FERPA is a federal law that protects the privacy and confidentiality interests of parents and students in student education records. Educational institutions and individuals who maintain, access, and use student education records are responsible for safeguarding the

confidentiality of student information (National Forum on Education Statistics, 2006). In 1949, management theorist Henri Fayol purported that the administrator is responsible for the following functions within the educational institution: “planning, organizing, commanding, coordinating, and controlling” (as cited in Gordon, 2009, p. 67). In 1951, another management theorist John Fowlkes stated that “administrators are part of a more complex process that includes formation, execution, and appraisal of policies” (as cited in Gordon, 2009, p. 67).

Research Questions

Following are the research questions, which guided this study:

1. How do school personnel ensure compliance of FERPA practices?
 - a. How do site administrators and teachers ensure compliance with their level of understanding of FERPA practices?
2. How do site administrators effect change and implement FERPA after receiving training?
3. How are students’ rights protected when staff members talk to one another?

The expected outcome of this research study is to prove that after receiving training, site administrators’ will be able to effect change and implement FERPA at their educational institutions by utilizing the *FERPA Training Toolkit*. The expected outcome for the teachers is that after being interviewed, they will not display any identifying student information in their classroom.

Limitations

This research study has the following limitations:

1. Participants’ personal experiences and other factors such as the fear of retribution for not following FERPA may have influenced the data.

2. The participants used for this research study were from one public school district (School District XYZ) in California and may not represent the personnel at all educational institutions. School District XYZ is one of the largest districts in California.

Delimitations

The participants in this research study are site administrators, and they have the greatest opportunity to make the necessary changes to uphold FERPA policies at their educational institution. Teachers were also included in this research study.

School District XYZ, the school district used for this research study, serves approximately 50,028 students with 96% identified as Hispanic. Approximately 90% of the students are eligible for free and reduced-price meals. About 41% of the students in School District XYZ are English learners with the most common languages spoken at home being Spanish, Vietnamese, and Khmer.

The researcher currently works for School District XYZ in their Department of Research and Evaluation as the Coordinator of Student Achievement. In this position, the researcher understands how FERPA needs to be implemented and that all employees must have a knowledge of FERPA.

Assumptions

This research study assumed the following: (a) the participants can implement FERPA; (b) the participants answered the survey, pre- and post-test, and interview questions honestly on their knowledge of FERPA; and (c) the site administrators can utilize the *FERPA Training Toolkit* with their staff.

Organization of the Study

This research study is presented in four chapters. Chapter 1 includes the background of the study, statement of the problem, the purpose of the study, the significance of the study, definition of terms, theoretical framework, research questions, limitations, delimitations, and the assumptions of the study.

Chapter 2 presents a review of the literature, which includes the history of FERPA, FERPA law and its implications including major court cases, FERPA amendments, FERPA policies on sharing data, and enforcing FERPA including steps if FERPA has been violated. Due to FERPA being a law, there was a paucity of research studies.

Chapter 3 discusses the methodology used for this research study. The chapter also includes the selection of participants, measures used, collection of data, and procedures used for data analysis.

Chapter 4 focuses on the quantitative and qualitative analysis results of the research study and provides a discussion of the entire research study and its findings. The chapter also includes implications for practice, recommendations for further research, and the conclusion of the study.

CHAPTER 2: REVIEW OF LITERATURE

The Family and Educational Rights and Privacy Act (FERPA) of 1974 is a federal law that protects the privacy of student education records. There was an abuse of student education records because important decisions were being made about the students, which parents had no access to or input regarding the decisions. Based on this abuse, FERPA was created. FERPA applies to any educational institution such as community colleges and public school districts that receive federal funds from the U.S. Department of Education (Wenkart et al., 2015).

The review of the literature is organized into five parts. Part one examines the history of FERPA. Part two addresses FERPA law and its implications. Also, this part reviews major court cases related to FERPA. Part three focuses on the amendments to FERPA. Part four reveals the policies when it comes to sharing data and how it relates to FERPA. Part five shows how to enforce FERPA as well as discussing steps if FERPA has been violated. Due to FERPA being a law, there was a paucity of research studies.

Part One: History of FERPA

Evidence showed that there was a rising number of abuses related to student education records (Futhey, 2008) in the 1960s and 1970s. Since there was no standardization with handling student education records, Congress began to investigate paying particular attention to the public school district level because the misuse could impact students and their future (Weeks, 2001). Congress also prevented community colleges and universities from false record keeping with student education records that could be used harmfully or distributed without the knowledge or consent of the student to prevent student information being given to third parties who might use the information inappropriately (S. Shurden & M. Shurden, 2010). FERPA “was enacted to

prevent certain educational information from being passed on to third parties who may use the information inappropriately” (S. Shurden & M. Shurden, 2010, p. 100).

FERPA does allow disclosure without consent in these cases: instances of abuse or neglect and mandatory reporting of communicable diseases (Chaides, 2017). Each state has enacted their own statutes since there were more cases of people wanting to access student education records (Butler, Moran, & Vanderpool, 1974). In California, their privacy of school records law adheres to the federal standards set forth by FERPA, which guarantees free parental access to student school records, and California has not passed laws that go beyond FERPA protections, as some other states have (California Department of Education, 2017).

Student education records, as defined in the 1974 law, are all records, files, documents, and other materials containing information directly related to a student and maintained by an educational institution (McGuire & Borowy, 1978). “This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, photographs, print, microfilm, and microfiche” (National Forum on Education Statistics, 2006, p. 2). A student’s health record, as well as immunization records and records maintained by the school nurse, are considered student education records, therefore, subject to FERPA (Wenkart et al., 2015). Some documents are not considered as part of the student education record, such as personal or “sole possession” notes by teachers and other school officials that are not shared with others, teacher grade books, treatment records or doctor notes pertaining to adult students, alumni records, student employment records, and law enforcement records created and maintained by an educational institution’s law enforcement unit (Cheung, Clements, & Pechman, 1997; Daggett & Huefner, 2001; Rainsberger, 2015a; Sealander, Schwiebert, Oren, & Weekly, 1999; Toglia, 2007b).

Since 1996, per FERPA regulations, educational institutions are not required to have a student education record policy in place, but must give eligible students and parents an annual notice of their rights, by any means, under the law (“Family Policy Compliance Office FAQs,” n.d.; FERPA guidance for parents, 2011; “FERPA policy compliance checklist for local education agencies (LEA),” 2009; FERPA revised regulations, 2011; O’Donnell, 2002). A sample notification can be found in Appendix A.

As defined by FERPA, a parent is a natural parent, guardian, or an individual acting as a parent in the absence of a parent or guardian (Daggett, 1997; Sealander et al., 1999). Per FERPA, educational institutions need to give full rights to either parent unless a court order or legally binding document, which relates to matters as divorce, separation, or custody, which revokes the full rights (Sealander et al., 1999)

Parents have the right to inspect the student education record if the student is under 18 years of age; conversely, a student over the age of 19 has the right to inspect their student education record and is not required to share it with their parent (California Education Code § 49061 [a]; FERPA, 1974, 20 U.S.C. § 1232g). Also, California complies with this part of FERPA by allowing parents the right to inspect education records with a certificated employee of the district during regular hours of the school day (Carey, 1974). Within 45 days of receipt, an educational institution must accommodate any inspection request and provide copies of student education records or make other arrangements if the requestor is not within commuting distance (Doll, Strein, Jacob, & Prasse, 2011; “Family Policy Compliance Office FAQs,” n.d.; FERPA guidance for parents, 2011; “FERPA policy compliance checklist for local education agencies (LEA),” 2009; FERPA revised regulations, 2011). A fee cannot be charged for inspecting the records, but an educational institution can charge a copying fee.

According to McDonald (2009), to maintain the student education records:

Educational institutions must keep a record of each request for access to and each release of personally identifiable information from a student's education record. This separate record must include the identities of the requesters and recipients and the legitimate interests they had in the information; in the case of a health or safety emergency, it must also include a description of the perceived threat. In addition, it must be maintained with the student's education record for as long as the record is maintained. (p. 13)

Parents and eligible students also have the right to request that the student record is amended if the records contain information thought to be inaccurate, misleading, or in violation of the student's privacy (FERPA, 1974, 20 U.S.C. § 1232g). If the request is denied, a hearing to review the reason for the decision can be scheduled.

FERPA does permit an educational institution to disclose personally identifiable information from a student record provided that such information has been designated as directory information (Cheung et al., 1997; Cossler, 2010; FERPA Amendments, 2002; FERPA Regulations Amendments, 2012). Directory information is information in a student education record that would not be considered harmful or an invasion of privacy if disclosed (FERPA guidance for parents, 2011). Educational institutions must inform parents and eligible students of the directory information and allow them a reasonable amount of time to request that the directory information is not disclosed. Although this request can be made, it does not prevent an educational institution from requiring a student to wear or present a student ID or badge (FERPA revised regulations, 2011). Directory information can include information such as:

The student's name, address, email address, telephone listing, date and place of birth, participation in officially recognized activities and sports, weight and height of members

of athletic teams, dates of attendance, awards received, the most recent previous educational agency or institution attended, photographs, grade level (such as 11th grade), and enrollment status such as, full-time or part-time. (FERPA guidance for parents, 2011).

Educational institutions need to exercise caution when posting information on the Internet since it is considered disclosure and must comply with FERPA guidelines (National Forum on Education Statistics, 2006). Educational institutions need to have systems in place to protect data such as filtering, security software, security patches, and monitoring servers for any attempts of hacking (Bathon, 2013).

Educational institutions need to consider what they designate as directory information carefully. Once the designation has been given, any school official may distribute the directory information to anyone who requests it regardless of if they are in or outside of the educational institution (National Forum on Education Statistics, 2006).

Part Two: FERPA Laws and Implications

School officials and parents share a common interest in ensuring that personal information about students is kept confidential while striving to help students succeed (Trice-Black, Kiper Riechel, & Shillingford, 2013). Also, school counselors need to maintain confidentiality regarding students because of the many complex and ethical and legal dilemmas that are involved (Lazovsky, 2008). There are federal laws that protect the information maintained in student education records.

Protection of Pupil Rights Amendment

In addition to FERPA, the Protection of Pupil Rights Amendment (PPRA) is another major law that protects student education records (Cheung et al., 1997). PPRA gives parents and

students additional rights to privacy in regards to certain types of student surveys and questionnaires that might need to be completed for federally and locally funded research projects (Daggett, 2009; Larson, 2015; Toglia, 2007a; Weber, 2016) and for marketing and advertising purposes unrelated to the educational purpose for which it was collected (MacCarthy, 2014; Schneiderman, 2015):

Schools conducting surveys funded by the U.S. Department of Education must obtain written permission before minor children can participate in surveys that reveal personal information related to political affiliations, mental and psychological problems, sexual behaviors, religious practices, and certain other behaviors, practices and legally recognized privileged relationships. (Toglia, 2007a, p. 33)

Educational institutions must provide the parents with an annual notice at the beginning of the academic year notifying them of their rights to opt out of any survey (Daggett, 2008). With the PPRA, parents also have the right to inspect and opt out of any survey as well as opt their child out of any nonemergency invasive physical exam that is not necessary to the student's immediate health and safety (Toglia, 2007b). The requirements of FERPA and PPRA apply to such programs as "Title I, Migrant Education, Safe and Drug-Free Schools and Communities, School-to-Work Opportunities, Education of Neglected and Delinquent Youth, Even Start, and Even Start Family Literacy" (Cheung et al., 1997, p. 13).

Student Privacy and Security

Privacy is more than security; it is about how educational institutions use personal information, and whether or not permission was gained, while security is about protecting information (Culnan & Carlin, 2009). Student privacy is of the utmost concern of any educational institution as it protects a student's dignity (Narayan, Hooker, Jarrett, & Bennett,

2013). Data must be modified to ensure individual students cannot be identified to protect student privacy (Daries et al., 2014). With the expansion of internet-accessible computer databases, the issue of student privacy has become one of computer security such as protecting student records from identity theft and the stealing of poorly protected data (Dougherty, 2008). To assist educational leaders, Moore (2014) listed his top ten privacy to-do list for educational leaders:

- (1) designate a privacy official, (2) seek legal counsel, (3) know the laws, (4) adopt school community norms and policies, (5) implement workable processes, (6) leverage procurement, (7) provide training, (8) inform parents, (9) make security a priority, and (10) review and adjust. (pp. 3-4)

As educational institutions “counsel students to be savvy digital citizens, safe Internet users, and critical thinkers – and just as we urge them to be personally responsible for their online choices – we have a responsibility to protect them *in loco parentis*” (R. Abilock & D. Abilock, 2016, p. 20).

Educational institutions must uphold the requirements of FERPA, PPRA and the Children’s Online Privacy Protection Act (COPPA) to maintain student privacy. The COPPA was enacted in 1998 and:

Pertains to websites and online services that seek to collect information about or from students under 13 years of age. It specifies language that should be in the privacy policy of the service, as well as when the service must have parental consent to collect the information. (Moore, 2014, p. 2)

COPPA lets educational institutions provide consent on behalf of parents, but it does not allow the release of information if it is used for purposes other than the educational purposes it was intended (Schneiderman, 2015).

Student Education Records

The No Child Left Behind (NCLB) Act of 2001 required new accountability requirements that prompted the federal government to begin awarding grants for the creation of statewide longitudinal data systems on remote servers (Simon, 2014; Trainor, 2015). To comply with NCLB, California created the California Longitudinal Pupil Achievement Data System (CALPADS). The creation of these new systems expanded the definition of “school official” to include contractors, consultants, volunteers, and other outside service providers (Cossler, 2010).

Now that an outside service provider is given access to student education records, the access must be under the direct control of the educational institution (Cossler, 2010). The same FERPA regulations apply to the outside service provider that in only individuals with a legitimate educational interest must have access to student education records (Cantrell, 2013; Cossler, 2010).

FERPA requires that outside service providers working on behalf of the educational institution to (1) use student data for its intended purpose, (2) protect data from unauthorized users, and (3) destroy data when its no longer needed (Data Quality Campaign, 2014). FERPA is about more than just complying with federal regulations; it is about protecting students and their information and privacy (Bailey, Carter, Schneider, & Vander Ark, 2015).

Educational institutions receive numerous requests for information from the news media, businesses, relatives, agency staff, law enforcement units, attorneys, private investigators, the governors’ or legislators’ offices, or researchers (Cheung et al., 1997; National Forum on

Education Statistics, 2004b). When a request is received, the educational institution has to consider the type of information being requested. By law, employers and the media cannot access student education records unless consent was given by the parent or the student if over 18 (Data Quality Campaign, 2014). Information requests can be categorized as non-personally identifiable or personally identifiable (Cheung et al., 1997).

Non-personally identifiable data does not reveal specific information about a particular student but is more about a group of students. The release of this data is usually allowed since it does not identify an individual student but still needs to be accessed, presented, and used in an ethically responsible manner (National Forum on Educational Statistics, 2010).

Personally identifiable data may or may not identify a particular student but does contain information that would help make it easier to recognize a student (Cheung et al., 1997; McCallister, Grance, & Scarfone, 2010). Personally identifiable data includes information that can be used to identify a student's identity, such as the student's name; the student's parents' name; the student's address; the student's Social Security Number or student ID number; the student's date of birth, place of birth, mother's maiden name; a photograph of the student; or any 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. (FERPA Regulations, 2009, 34 CFR, Part 99)

Personally identifiable information must be maintained in student education records that are protected by FERPA regulations (National Center for Education Statistics (ED), 2010). FERPA does not allow educational institutions to disclose personally identifiable information in the following situations unless prior consent was given: (a) sharing of student data for

commercial purposes or marketing, and (b) sharing of student data to make decisions regarding a student's (or former student's) employment (Data Quality Campaign, 2015).

If personally identifiable information is released without prior written consent to a third party who has no legitimate educational interest in the student, it can prove to be legally troublesome for the educational institution (Essex, 2004). Educational institutions could lose their federal funding if they are not FERPA compliant as deemed by the Secretary of Education (Mawdsley, 1996). If false information is intentionally communicated as libel or slander, charges could be brought forward to an educational institution (Essex, 2004). Essex (2004) identified 10 circumstances that could invite legal challenges for an educational institution:

- (1) when they do not inform parents, guardians, or eligible students of their rights under the act;
- (2) when they do not provide an opportunity for parents, guardians, or eligible students to inspect and challenge the accuracy of information contained in the student's file;
- (3) when confidential student files are viewed even though there is no legitimate educational interest involved;
- (4) when confidential information is shared with others who have no need to know;
- (5) when categorical statements are made that place a stigma on students;
- (6) when confidential files are not properly secured and safeguarded;
- (7) when confidential information is communicated to authorized persons or agencies based on opinion rather than fact;
- (8) when proper notice is not provided to parents, guardians, or eligible students concerning a court-ordered subpoena before records are released;
- (9) when school officials fail to inform third parties of the five-year penalty for disclosure of records without parental consent; and
- (10) when school officials fail to inform faculty/staff of the law of libel and slander involving student education records. (pp. 112-113)

After student education records are no longer needed for educational purposes, they may be destroyed within five years unless an outstanding request to inspect or review them has been placed on the student education record (Sealander et al., 1999). Destroying records is the best security measure to ensure that improper or unauthorized disclosure does not take place (Sealander et al., 1999).

Court Cases

There have been many court cases related to the rights of parents and students who have either been denied access to student education records or whose records have been released in violation of FERPA (Mawdsley, 1996). Two major cases were brought forward to the U.S. Supreme Court: *Owasso Independent School District v. Falvo* and *Gonzaga University v. Doe*.

Owasso Independent School District v. Falvo (Case No. 00-1073). *Owasso Independent School District v. Falvo* (2002) addressed whether peer grading and recording a student grade constituted a student record, which is prohibited under FERPA (Parry, 2002). The grading practice in Owasso Independent School District was for students to exchange tests, grade them, and give the tests back to the student. The students, then, had the option of telling the teacher their grade in front of the class or in private (Bennett & Brower, 2001). The administrators for Owasso Independent School District did not see a problem with students grading each other's tests since many of the student-graded tests never made it to the grade book and students had the option to report their grade in confidence (Bennett & Brower, 2001).

In October 1998, Falvo, the mother of the student whose grades were called out, filed a Section 1983 civil rights suit in the U.S. Supreme Court, alleging that the grading practice violated the privacy rights implicit in the Fourteenth Amendment and FERPA (Friedman, 2002; Parry, 2002; Zirkel, 2000). The Fourteenth Amendment (as cited in Jenkins, 2003):

Protects the specified privileges of citizens in its due process clause and equal protection clause. The due process requirements include a substantive due process (the protected privilege or right, such as freedom of speech) and procedural due process (the procedures that protect the substantive right). The equal protection clause's impact on higher education is profound, particularly in equalizing educational and employment opportunities with respect to race, national origin, sex, religion, age, and disability. (p. 66)

The U.S. Supreme Court decided on February 19, 2002, that peer grading or the rights of students did not violate FERPA since peer graders are not acting as agents for the educational institution nor are they maintaining the grade until the teacher collects and records the grade (Friedman, 2002; O'Donnell, 2002; Seevers, Rowe, & Skinner, 2014; Toglia, 2007a, 2007b; Wilson, 2004). In fact, the U.S. Supreme Court held that correcting or grading another student's work can be a part of an assignment because it is a new way to teach material again in a new format, and it helps show the students how to assist and respect each other (Pittman et al., 2005; Toglia, 2007b). Students do have the right to opt out of correcting or grading another student's work (Toglia, 2007b).

Based on the decision of this case, there is now guidance on what is and what is not a student education record under FERPA, such as grades alone are not a part of the record until they have been recorded in an educator's grade book (Elliott et al., 2014). Although the court recognized that student assignments do have information directly related to the students, the assignments become student education records under FERPA when they are maintained by the educational institution (Pittman et al., 2005)

Gonzaga University v. Doe (Case No. 69456-7). *Gonzaga University v. Doe* (2001) presented the question whether a student can bring a civil rights suit against an educational institution to enforce provisions of FERPA (*Gonzaga University v. Doe*, 2002). The case was filed because a student was denied his request for an affidavit from his former educational institution that attested to his good character and for breach of records privacy under FERPA (Lowenstein, 2016).

The student's suit stated that his rights were encroached on under FERPA (von Feigenblatt et al., 2015). Initially, the jury sided with Doe, but then it was overturned by the Washington Court of Appeals for Gonzaga University, only to be reversed again by the Washington Supreme Court (Elliott et al., 2014). The Washington Supreme Court ruled partially for Doe stating, that, even though FERPA did not include a private cause of action, it did create a federal right that was subject to Section 1983 of the Civil Rights Act (Daggett, 2009; Elliott et al., 2014; Futhey, 2008; von Feigenblatt et al., 2015; Warf, 2003). The final decision of the case on May 31, 2001, stated that individual lawsuits by students are no longer allowed. Therefore, a private individual cannot sue teachers or educational institutions (Mawdsley, 2004; S. Shurden & M. Shurden, 2010).

Additional court cases. Mawdsley (1996) and Boomer, Hartshorne, and Robertshaw (1995) illustrated some other litigation cases as follows:

- *Fay v. South Colonie Central School District* (1986): A parent with joint legal custody was unable to receive his children's test scores and accident reports from the superintendent. The parent filed suit against the educational institution citing a violation of FERPA under section 1983. The federal district court found that, under New York law, joint custodial parents must have equal access to education

information and required the educational institution to provide all information to the parent, at his cost (as cited in Mawdsley, 1996, pp. 677–678).

- *Belanger v. Nashua, New Hampshire, School District* (1994): A parent challenged placement at a residential educational facility under the state’s juvenile delinquency statute under the Individuals with Disabilities Education Act (IDEA) and requested reimbursement for incurred expenses. The educational institution refused to provide the juvenile court records and the reimbursement; therefore the parent filed suit under section 1983. The court found in favor for the parent, “...insure that parents have access to their children’s records which are used to make crucial decisions about their children’s future” (as cited in Mawdsley, 1996, p. 678).
- *Webster Groves School District v. Pulitzer Publishing Company* (1990): A 14-year-old boy with learning disabilities brought a loaded gun to school and threatened his classmates (Boomer, Hartshorne, & Robertshaw, 1995, State has an Interest in Protecting the Privacy Rights of Children with Disabilities, para. 1). Both FERPA and the Individuals with Disabilities Education Act (IDEA) were implicated when parents were successful in closing a juvenile court disciplinary hearing involving a physically challenged child and in sealing the court file against First Amendment access claims by a newspaper (as cited in Mawdsley, 1996, pp. 678–679). The Eighth Circuit Court of Appeals stated, “the student may be stigmatized and humiliated if the sensitive information in the record is made public, and that is reason enough to seal the file and keep it closed” (as cited in Mawdsley, 1996, p. 679).

Part Three: FERPA Amendments

Since the passing of FERPA in 1974, Congress has amended it nine times. In fact, amendments to FERPA began only four months after the initial enactment (S. Shurden & M. Shurden, 2010). Table 1 lists the amendments:

Table 1

FERPA Amendments

Public Law Number	Public Law Title	Effective Date
93-568	Buckley/Pell Amendment (December 31, 1974)	November 19, 1974
96-46	Amendments to Education Amendments of 1978	August 6, 1979
96-88	Establishment of Department of Education	October 17, 1979
101-542	Campus Security Act	November 8, 1990
102-325	Higher Education Amendments of 1992	July 23, 1992
103-382	Improving America's Schools Act	October 20, 1994
105-244	Higher Education Amendments of 1998	October 7, 1998
106-386	Campus Sex Crime Prevention Act	October 28, 2000
107-56	USA PATRIOT Act of 2001	October 26, 2001

(FERPA Amendments, 2002)

Buckley/Pell Amendment

The Buckley/Pell Amendment limited post-secondary students access to their parents' financial records and confidential letters written on their behalf (FERPA Amendments, 2002). This amendment also allowed students a hearing to challenge the contents of their student education records that they believed to be inaccurate, provided them an opportunity to correct the inaccurate information, and the right to insert a written explanation regarding the content of their student education records (FERPA Amendments, 2002).

Amendments to Education Amendment of 1978

The Amendments to the Education Amendments of 1978 “clarified that FERPA does not prohibit state and local education officials from having access to student or other records that might be necessary in connection with the audit or evaluation of any federal- or state-supported education program” (FERPA Amendments, 2002, Legislative and Regulatory Amendments, para. 3). The reason for this amendment was to correct the U.S. Department of Education’s initial interpretation of FERPA, which did not allow state auditors to request student education records for audits of educational programs (FERPA Amendments, 2002).

Establishment of Department of Education

Public Law 96-88 established the Department of Education. One of the purposes of the Department of Education is:

To improve the management and efficiency of Federal education activities, especially with regard to the process, procedures, and administrative structures for the dispersal of Federal funds, as well as the reduction of unnecessary and duplicative burdens and constraints, including unnecessary paperwork, on the recipients of Federal funds. (U.S. Department of Education, 2010, p. 2)

Campus Security Act

The Campus Security Act allowed “post-secondary institutions to disclose to an alleged victim of a violent crime the results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime, regardless of the proceeding outcome” (FERPA Amendments, 2002, Legislative and Regulatory Amendments, para. 4).

In addition to disclosing the results of the disciplinary proceedings, post-secondary institutions need to start posting information to current and prospective students regarding crime statistics, procedures for students and others to report crimes, and programs to inform students about the prevention of crimes (Griffaton, 1992; Mawdsley, 2004).

Post-secondary institutions must report the following crimes: “criminal homicide, murder and nonnegligent manslaughter, negligent manslaughter, sex offenses (forcible or nonforcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, and arrests of persons referred for disciplinary action involving liquor law violations, drug-related violations, and weapons possession” (Mawdsley, 2004, p. 12).

Higher Education Amendments of 1992

On July 23, 1992, the Higher Education Amendments of 1992 or the HEA Amendments came into effect. The HEA Amendments stated that law enforcement records, police crime logs, maintained by law enforcement units of educational institutions are not protected under FERPA (FERPA Amendments, 2002). Educational institutions receiving federal funds must keep their police logs available for public inspection during their normal business hours.

The amendment also allowed all students regardless of income to be eligible for financial aid (Capt, 2013; Hannah, 1996). The HEA Amendments provided a “Program Integrity Triad”

of agencies, states, and the U.S. Department of Education to provide security to the student financial assistance program (Pelesh, 1994).

Improving America's Schools Act

The Improving America's Schools Act (IASA) amended several components of FERPA and tightened privacy assurances for students and their families. These amendments were discussed:

- Introducing federal standards-based testing requirements. (Dougherty, 2008, p. 44)
- Parents have the right to review the student education records of their children maintained by state education agencies. (Policy Studies Associates Inc., 1997, p. 140)
- Sharing information, without prior parental consent, when information about disciplinary action taken against a student is being provided to other schools that have a significant interest in the behavior of the student and the juvenile justice system. (Laney, 1996, pp. 1-2)
- Allowing educational institutions to release records in compliance with certain law enforcement judicial orders and subpoenas without notifying parents. (Policy Studies Associates Inc., 1997, p. 140)
- Allowing educational institutions to include information in a student education record concerning disciplinary action taken against a student for conduct that posed a significant risk to that student or other members of the educational institution. (Sealand et al., 1999, FERPA, para. 4)

- Reauthorizing the Elementary and Secondary Education Act (ESEA) by making significant improvements to federally funded education programs. (Tirozzi & Uro, 1997, p. 243)

Higher Education Amendments of 1998

On October 7, 1998, the Higher Education Amendments of 1998 came into effect and created two new initiatives: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) and Title II Teacher Quality (Capt, 2013). These initiatives recognized that K-12 schooling must be improved especially for disadvantaged youths (Capt, 2013).

GEAR-UP, through the U.S. Department of Education, provides federal funding for 213 state and partnership grants that serve low-income students (“California GEAR UP,” 2017). GEAR-UP’s goal is to increase the number of middle and high school students, who are low-income and are prepared to enter and succeed in postsecondary education (“California GEAR UP,” 2017).

The purpose of the Title II Teacher Quality is to improve student achievement, enhance professional development activities for current and future teachers, and recruit highly qualified individuals (“P.L. 105-244 Amendments to the Higher Education Act of 1965,” 2006). Educational institutions need to be able to recruit teachers that are highly qualified and to quickly remove teachers that are incompetent or unqualified that is consistent with the procedures for ensuring due process (“P.L. 105-244 Amendments to the Higher Education Act of 1965,” 2006).

Campus Sex Crime Prevention Act

The Campus Sex Crime Prevention Act came into effect on October 28, 2000. Educational institutions are allowed under FERPA to disclose information about registered sex offenders on their campuses (FERPA Amendments, 2002). Sex offenders, under state law, are

required to register to a state agency indicating any higher educational institution they are enrolled as a student or employed at including any changes in their status (Mawdsley, 2004).

USA PATRIOT Act of 2001

After the events of September 11, 2001, occurred, Public Law 107-56, USA PATRIOT Act, came into effect on October 26, 2001 (“P.L. 107-56 The USA Patriot Act: Preserving life and liberty,” 2001). The USA PATRIOT Act amended FERPA so that without a parent’s consent, “the attorney general or federal law enforcement officials can request, with a court order, access to student education records that are relevant to an authorized investigation or prosecution of an act of domestic or international terrorism” (Toglia, 2007b, p. 63).

Additional Regulations

On January 8, 2009, significant changes to FERPA went into effect such as health/safety emergencies and parent disclosure, access to data for accountability and research, and securing the privacy of student education records (Rinehart-Thompson, 2009). With the advancement of technology, updates were made to personally identifiable information to include date and place of birth, mother’s maiden name, and any other information that could identify a specific student (Rinehart-Thompson, 2009).

When FERPA was initially enacted, parents of students who attended community colleges and universities were not allowed to be informed about any health or safety concerns regarding their child (S. Shurden & M. Shurden, 2010). Educational institutions are now allowed to disclose, without prior consent, information from student education records to protect the health and safety of all students to law enforcement officials, public health officials, trained medical personnel, and parents (“Balancing student privacy and school safety: A guide to the Family Educational Rights and Privacy Act for elementary and secondary schools,” 2007;

“Family Policy Compliance Office FAQs,” Disclosure in Connection with a Health or Safety Emergency, para. 1; McDonald, 2008; Rinehart-Thompson, 2009; S. Shurden & M. Shurden, 2010). Although educational institutions are required to disclose student conduct issues, there has been no evidence to suggest that non-emergency or alcohol and other drug-related issues have been shared including with parents (Lessly, 2016a).

The Health Insurance Portability and Accountability Act (HIPAA) was established in 1996. HIPAA established standards regarding sharing of health information. In connection with FERPA, students have the right to access their health records (as cited in Toglia, 2007b). Health information in a student record does not fall under HIPAA’s regulations but still needs to comply with FERPA guidelines including information entered by the educational institution’s nurse (McBain, 2008; National Forum on Education Statistics, 2006; Toglia, 2007a). “Physicians may disclose minimum necessary Individually Identifiable Health Information to HIPAA Covered Entities and non-covered entities for essential health care functions, including treatment” (Chaides, 2017, slide 16).

Restrictions were loosened to increase sharing of student data. Educational institutions are now allowed to release personally identifiable information, without prior consent, to institutions where the student plans to enroll and to third parties that have a legitimate educational interest (Rinehart-Thompson, 2009). The data sharing will be able to improve the academic achievement of all students and help advance educational research activities (Rinehart-Thompson, 2009).

The need for improving safety has educational institutions installing surveillance cameras. The cameras need to be placed in areas that do not infringe on a student’s right to privacy, such as the classroom, hallways, common areas, and building perimeters (National

Forum on Education Statistics, 2006). Even though FERPA does not address the issue of surveillance cameras, educational institutions need to have a surveillance camera policy in place.

For FERPA purposes,

Surveillance videotapes (or other media) with information about a specific student are considered student education records if they are kept and maintained by the educational institution. If the educational institution's law enforcement unit controls the cameras/videos and it is doing the surveillance for safety reasons, the ensuing videos would be considered law enforcement, rather than student education records. As soon as school officials use them for discipline purposes, however, the tapes become student education records and are subject to FERPA requirements. (National Forum on Education Statistics, 2006, p. 10)

On December 2, 2011, the U.S. Department of Education issued regulations that amended FERPA specifically the redefinition of authorized representative, educational programs, and directory information. An authorized representative is now defined as:

Any entity or individual designated by a state and local education authority to conduct – with respect to Federal or State supported education programs – any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs. (FERPA Regulations Amendments, 2012, p. 2)

According to the U.S. Department of Education, an educational program is now defined as:

Any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, post-secondary education, special education, job training, career and technical education, and

any program administered by an educational agency or institution. (FERPA Regulations Amendments, 2012, p. 2)

The regulations revised directory information to allow educational institutions to utilize student identification numbers to display them on a student ID badge (FERPA Regulations Amendments, 2012). The student identification number cannot be the only identifier when accessing student education records and student data (FERPA Regulations, 2009, 34 CFR, Part 99).

Part Four: FERPA Policies on Sharing Data

Before data can be shared, educational institutions need to communicate to their parents what student information will be collected, why it will be collected, how it will be used, and who will be receiving the data (Muñoz & Rodosky, 2015; Privacy Technical Assistance Center, 2014). An educational institution's policy should cover approved activities that deal with using data, disseminating results and storing data (Dude, Mengeling, & Welch, 2009). The U.S. Department of Education encourages educational institutions to be proactive and transparent when communicating with their parents since it will alleviate any confusion and misunderstanding of the use of student data (Privacy Technical Assistance Center, 2014). Educational institutions should:

Create clear, centralized resources where stakeholders can see detailed information about what data are collected; who can access them; what information is passed along to the educational institution; and whether this information is personally identifiable, associated with a unique student identifier, de-identified, or aggregated. (Zeide, 2014, p. 18)

Educational institutions could also publish the information regarding the use of student data collection on their websites (Roscoria, 2015). According to Dude et al. (2009), student data must

be protected and secured by the following three methods: (1) physical security which involves the actual location of where the data are stored; (2) electronic security which includes encrypting the data and limiting access; and (3) administrative security which includes policies that uphold the access and sharing of data. The three methods do not exist independently of each other and must be included in a layered security system that improves overall security (Dude et al., 2009).

Per FERPA regulations, educational institutions can disclose personally identifiable information without consent to organizations who conduct studies for, or on behalf of, the educational institution (Dougherty, 2008; Moran, 2014). Certain requirements need to be followed by the educational institution such as students' personal information is only for educational purposes, students' online activity is not used for advertising purposes, and data security policies should be in place and upheld (Roscoria, 2015).

Shared data can help make informed decisions on classroom instructional practices, educational programs, and allow students to have more ownership of their learning (Krueger, 2014; Roscoria, 2015). The shared data could consist of test scores, grades, credits earned, demographics, enrollment, discipline, and special education status (Privacy Technical Assistance Center, 2014).

While data can be shared to advance instructional practices and programs further, teachers must still ensure student privacy when it comes to posting student work and their grades. Student's test results and records of accomplishments are considered private (California Education Code § 60607 [c-1]). Toglia (2007) reviewed classroom guidelines for teachers:

- (a) teachers should not post grades publicly in a way that identifies the individual students (e.g., student names or student identification numbers),
- (b) discuss a student's academic performance or attendance with someone other than the student or an official

with a legitimate educational interest, (c) display projects that reveal the students' names and grades (unless prior consent was given), (d) post progress charts that track a student's completion of activities or assignments that will lead to a grade, (e) place graded exams or report cards on a table to be picked up (which requires students to sort through all of the papers), and (f) disclose grades to the parents of adult students without the student's consent. (p. 34)

Educational institutions need to use FERPA regulations as a guide for complying and understanding the law and asking questions to get accurate answers (Rainsberger, 2012).

Educational institutions should ask the following questions when dealing with organizations requesting access to student education records and data: "(1) How long do you store the data?; (2) What is the protocol when a breach occurs?; and (3) What security procedures do you have in place?" (Roscoria, 2015, p. 60).

Data Analysis

With a high need for data sharing, privacy policies need to be put in place so that improperly disclosed data risks will be minimized while the significant benefits from the use of shared data will be used for analysis, research, and the improvement of educational institutions (Dougherty, 2008). Dougherty (2008) discussed four recommendations for educational institutions to promote data analysis while protecting student privacy:

(1) make necessary interpretations or amendments to privacy laws (p. 56); (2) take steps to reassure the public that privacy risks are being minimized (p. 56); (3) strengthen and expand analysis using longitudinal statewide and cross-state student databases (p. 57); and (4) help policymakers, teachers, and the attentive public see the benefits of analysis using longitudinal student data. (p. 57)

Data Management Systems

When FERPA was enacted, student education records were called cumulative records and were usually kept in the school office. Baldwin (2017) purported while there are still cumulative records, most student data is now often collected and stored electronically through Student Information Systems (SIS) and Learning Management Systems (LMS). Now that student data is stored electronically, which is easier to use and less expensive (Zeide, 2014), educational institutions need to have systems in place to protect data such as filtering, security software, security patches, and monitoring servers for any attempts of hacking (Bathon, 2013). Concerns have been raised about what information is being collected and stored, who it is being shared with, and for what purposes (Baldwin, 2017).

For the past ten years, the federal government has provided funds so that longitudinal data systems can be created (Zeide, 2014). The state of California does have a longitudinal data system referred to as the California Longitudinal Pupil Achievement Data System (CALPADS). CALPADS is a “longitudinal data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting” (Baldwin, 2017, p. 9). Longitudinal data systems enable educational institutions to link information about students over time and allow the information to move between systems (Zeide, 2014).

Part Five: Enforcing FERPA

Since FERPA is not a criminal statute, there are no penalties such as arrest or imprisonment for its violation (Hughes, 2001). If an educational institution has violated FERPA, the U.S. Department of Education is authorized to terminate all federal funding. With the decision of *Gonzaga University v. Doe* in 2002, the U.S. Supreme Court held that FERPA does

not create a right to file a Section 1983 civil rights action against an educational institution for FERPA violations because the nondisclosure provisions did not create any enforceable rights (FERPA Amendments, 2002; Toglia, 2007a; Warf, 2003). Although a civil rights action cannot be filed, an individual can contact the Family Policy Compliance Office when their educational rights have been violated under FERPA (Akçay & Üzüm, 2016).

Family Policy Compliance Office

The Family Policy Compliance Office (FPCO), under the U.S. Department of Education, has the responsibility for enforcing FERPA and responding to complaints regarding suspected violations (Daggett, 2009; FERPA Amendments, 2002). If a parent or eligible student feels that their privacy rights have been violated under FERPA, they can file a written complaint with the FPCO (FERPA Amendments, 2002; Toglia, 2007a).

The written complaint needs to contain the specific allegations that a violation occurred and must be filed within 180 days of the alleged violation or of the time the person knew of the violation (Daggett, 1997; FERPA Amendments, 2002; Toglia, 2007a). After FPCO receives the complaint, it will notify the educational institution to request a written response (FERPA Amendments, 2002; Toglia, 2007a). If the educational institution is found in violation, the FPCO will provide a timeline and detail what is required for compliance, which the educational institution may comply voluntarily (Hughes, 2001). The FPCO might have the educational institution remove records or just follow the law to resolve the complaint (Daggett, 1997). If the educational institution does not comply with the timeline, the Secretary of the U.S. Department of Education may withhold federal funding, issue a complaint to force compliance through a cease-and-desist order, or terminate the educational institution's eligibility to receive federal funding (FERPA Amendments, 2002) although the U.S. Department of Education has never

resorted to such measures (Lessly, 2016b; McGee-Tubb, 2012). The U.S. Department of Education prefers to resolve these matters through required policy revisions or trainings rather than revoking federal funds (Lessly, 2016b). If an educational institution's federal funds are revoked, it will penalize the students and the institution because they will no longer be able to afford to educate the students in the same way before the complaint (Lessly, 2016b).

Training

Training should be held to help educational institutions understand FERPA regulations. The U.S. Department of Education also encourages that educational institutions have a process in place to offer training (Cantrell, 2016). Administrators at educational institutions, who need to have a strong understanding of FERPA, need to be able to provide training to their employees (Cantrell, 2016). The following suggestions might be helpful for the administrators before they provide training to their employees: (a) read and learn about FERPA, (b) familiarize themselves with the U.S. Department of Education's website, (c) learn from colleagues who have experience with FERPA, and (d) attend FERPA seminars (Cantrell, 2013).

According to several sources, educational institutions should include, but not be limited to the following in their trainings:

- Introducing applicable laws, such as FERPA, the Children's Online Privacy Protection Act (COPPA), and the Protection of Pupil Rights Amendment (PPRA). (Baldwin, 2017, p. 10)
- Understanding and communicating laws and regulations that affect data at the educational institution. (National Forum on Education Statistics, 2004a, p. 21)

- Respecting the privacy and confidentiality of student data by protecting data from students and unauthorized personnel. (National Forum on Education Statistics, 2004a, p. 23)
- Knowing the rights of students and parents and requirements for educational institutions under FERPA. (National Forum on Education Statistics, 2007, p. 36)
- Reviewing the contents of directory information. (National Forum on Education Statistics, 2007, p. 36)
- Introducing the five key FERPA terms: student education records, directory information, personally identifiable, school official, and legitimate educational interest and six key FERPA concepts: required annual notification, student written consent required to disclose, the disclosure exceptions to written consent, students' right to review their student education records, students' right of nondisclosure, and the "musts" and "mays" in FERPA. (Rainsberger, 2015b, p. 6)
- Assessing with a pre- and post-test on the knowledge of FERPA. (National Forum on Education Statistics, 2007, p. 38)

Ellen Campbell, former Acting Director of the FPCO, created training material on FERPA regulations to inform educational institutions and to provide guidance (Campbell & Rodriguez, 2011). Life University, with some material borrowed from the University of Indiana, also created training material to help better understand FERPA regulations (Life University, 2004).

As with other laws, FERPA can be fluid, so it is essential to stay abreast of changes and amendments (Sorenson & Chapman, 1985). It is the responsibility of the educational institution to provide FERPA training and make sure that complying with FERPA is taken seriously

(Cantrell, 2016). “Once adequate training is provided, individuals can make educational decisions using the information provided, and it will become an automatic habit to be diligent and protective when sensitive student information and privacy are involved” (Cantrell, 2013, pp. 61–62).

Summary

Chapter 2 was divided into five parts. Part one examined the history of the Family Educational Rights and Privacy Act (FERPA) of 1974. Part two addressed FERPA law and its implications. Also, this part reviewed major court cases related to FERPA. Part three focused on the amendments to FERPA. Part four revealed the policies when it came to sharing data and how it related to FERPA. Part five showed how to enforce FERPA as well as discussing steps if FERPA had been violated.

Educational institutions need to be cautious when handling student education records. “Student education records are all records, including but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, photographs, print, microfilm, and microfiche” (National Forum on Education Statistics, 2006, p. 2).

Educational institutions must give parents or eligible students an annual notice of their rights, by any means, under the law (FERPA guidance for parents, 2011; O’Donnell, 2002). The notice needs to outline the rights that parents or eligible students have regarding student education records. The rights include (a) the right to inspect and review the student record maintained by the educational institution; (b) the right to request that the educational institution correct the student record if the parent or eligible student believes the student education record is inaccurate, misleading or in violation of the student’s privacy rights under FERPA; (c) notification regarding directory information; and (d) the right to file a complaint with the U.S.

Department of Education if the parents or eligible students feel there are alleged failures by the school to comply with FERPA (FERPA Amendments, 2002; Toglia, 2007a).

While being cautious with student education records, educational institutions need to be able to communicate with their parents regarding the sharing of data. Sharing of data has become a standard practice in education since it can help make informed decisions on classroom instructional practices and educational programs (Krueger, 2014). The shared data could consist of: test scores, grades, credits earned, demographics, enrollment, discipline, and special education status (Privacy Technical Assistance Center, 2014).

Even though data can be shared with third parties that have a legitimate educational interest, teachers must still ensure the privacy of their students when it comes to posting student work and their grades. Student's test results and records of accomplishments are considered private (California Education Code § 60607 [c-1]).

Although it is clearly stated that precaution needs to occur when posting student work and grades, school site administrators are not aware of this and allow their teachers to post in violation of FERPA. Since everyone such as parents, students, community members, and district personnel sees the student work and grades, students can tell you who the lowest achieving students are as well as the highest achieving students, which is in direct violation of FERPA.

Administrators need to be able to train their employees on FERPA. Before that training, administrators need to be trained. Administrators should (a) read and learn about FERPA, (b) familiarize themselves with the U.S. Department of Education's website, (c) learn from colleagues who have experience with FERPA, and (d) attend FERPA seminars (Cantrell, 2013). With proper training and knowledge, educational institutions and their employees will be able to follow FERPA regulations and guidelines completely.

CHAPTER 3: METHODOLOGY

This chapter presents the methods used in the research study, including the participants, instrumentation, and measures used for data collection and analysis. Research questions guide the study and “explain specifically what your study is intended to learn or understand” (Maxwell, 2013, p. 75). The research questions that guided this study were:

1. How do school personnel ensure compliance of FERPA practices?
 - a. How do site administrators and teachers ensure compliance with their level of understanding of FERPA practices?
2. How do site administrators effect change and implement FERPA after receiving training?
3. How are students’ rights protected when staff members talk to one another?

Setting and Participants

The participants, administrators and teachers, were from one public school district, School District XYZ, in California. School District XYZ is one of the largest districts in California. The current at-risk student population at this school district requires that educational institutions work diligently to protect the rights of their students and their student education records.

Site administrators, principals and assistant principals, from all 55 schools in School District XYZ were invited to participate in a FERPA training. A total of 10 site administrators participated. Of those 10 administrators, four were male and six were female. All of the participants have a master’s degree and the average years of administrative experience for the group was 6-10 years. Eight of the ten administrators work at an elementary school. A survey

was given as soon as the participants entered the training and a pre- and post-test was given before and after the training.

Questions on the survey were related to the importance of FERPA and its amendments and regulations. The FERPA training utilized a *FERPA Training Toolkit* that could be used at their educational institution. The *FERPA Training Toolkit* included the following components: a FERPA survey, a pre- and post-test about FERPA, professional development training to address FERPA and its regulations, a checklist for classroom walkthroughs that can be used as a guide to ensure that teachers are enforcing FERPA, steps to protect the security and confidentiality of students, and a training manual that can be used by administrators to their staff.

Two schools from School District XYZ were chosen to be a part of the research study with permission from the site administrator. One school, School ABC, is a K-8 school and the other school, School DEF, is a K-5 school. An email was sent to the teachers at School ABC and School DEF to participate in the research study voluntarily. Twelve teachers were willing to participate in the research study. Of those 12 teachers, one was male and eleven were female. Ten teachers have their master's degree while two have a bachelor's degree. Eight of the teachers have more than 11 years of experience. Nine of the teachers teach grades third through eighth. The 12 teachers were interviewed regarding their knowledge of FERPA before receiving information on FERPA.

Sampling Procedures

As Maxwell (2013) states, “particular settings, persons, or activities are selected deliberately to provide information that is particularly relevant to your questions and goals” (p. 97). As Lunenburg and Irby (2008) state, samples are selected to gain information regarding the target population.

For both the quantitative and qualitative study, the sampling technique that was utilized was convenience sampling since the administrators and teachers were based on proximity and accessibility (Lochmiller & Lester, 2017) and only those that participated responded to the training materials. Convenience sampling is a nonrandom sampling where members of the population meet certain criteria, such as easy accessibility or geographical proximity (Etikan, Musa, & Alkassim, 2016). The researcher addressed the fact that this sample was not representative of the whole population since the administrators and teachers were based on proximity and accessibility (Etikan et al., 2016). For this research study, the majority of the administrative sample was from the elementary level, therefore, not a true representation of K-12 site administrators.

Instrumentation and Measures

Instruments used by the researcher, who is a district administrator for School District XYZ, were a survey (see Appendix B), an intervention training including a PowerPoint presentation (see Appendix F), a pre- and post-test (see Appendix B), and interview questions (see Appendix C). All instruments, except for the interview, were presented to site administrators in School District XYZ by the researcher. The interview questions, created by the researcher, were presented to teachers in School District XYZ by a Teacher on Special Assignment (TOSA) or a classroom teacher (CT), who was trained by the researcher and are not part of the research. All participants, site administrators and teachers, were given a brochure on FERPA (see Appendix E) created by the researcher.

The researcher's intervention training agenda, which can be found in Table 2, addressed FERPA and its key components. The agenda also included time for the site administrators to complete the survey, pre-test, and post-test.

Table 2

Intervention Training Agenda

Topic	Estimated Time
Welcome/Introduction	3-5 minutes
Survey	10-15 minutes
Pre-Test	5-10 minutes
Presentation: FERPA Introduction	3-5 minutes
Education Records	5-10 minutes
Personally Identifiable	5-10 minutes
Directory Information	5-10 minutes
Parent Rights	3-5 minutes
Requirements for Compliance	1-2 minutes
FERPA Information Source	1-2 minutes
Questions	3-5 minutes
Post-Test	5-10 minutes
Thank You	1 minute

Survey

After the welcome and introductions, site administrators, who were the participants, were instructed to complete the survey (see Appendix B), which was identified by a random number that was only known to each participant. The survey began with four demographic questions that asked about gender; highest degree obtained; years as an administrator; and level of their school site such as elementary, intermediate, and high school. Additional questions asked the participants to indicate their knowledge of FERPA, student data, and student/parent rights, using

a seven-point Likert Scale (strongly disagree, disagree, somewhat disagree, neither agree nor disagree, somewhat agree, agree, and strongly agree). The participants had the freedom to skip any question they did not feel comfortable answering.

Pre-Test

Before receiving the intervention, each participant was asked to complete a pre-test that had the same identified random number as the survey. The pre-test was based on questions from the AACRAO 2012 FERPA Guide (Falkner & Rooker, 2012), which can be found in Appendix B. The American Association of Collegiate Registrars and Admissions Officers (AACRAO) provide professional development, guidelines and voluntary standards to be used by higher education officials regarding the best practices in records management, admissions, enrollment management, administrative information technology and student services according to their website (<http://www.aacrao.org>).

The pre-test included questions that were focused on FERPA with true or false and multiple-choice questions, utilizing a paper-pencil format. The pre-test included one open-ended question. Again, the participants had the freedom to skip any question they did not feel comfortable answering.

Training/Intervention

For the FERPA training, the participants were presented with a PowerPoint on FERPA (see Appendix F) from the researcher. The presentation was based on training materials from the AACRAO FERPA training guide.

Post-Test

After having received the 45-minute training, the participants were given a post-test. The post-test included the same questions as the pre-test with the open-ended question being

different. Like the pre-test, the participants had the freedom to skip any question they did not feel comfortable answering. The purpose of the post-test was to see if the participant's understanding of FERPA increased after having received the training.

Interviews

Using an interview protocol similar to Creswell (2013), individual interviews were given to 12 teachers by a TOSA or CT, who was trained by the researcher to avoid researcher bias. Consent to record the interviews was obtained ahead of time by the participants. The TOSA and CT were trained by the researcher on how to interview the teachers, to solicit more information on answers that were too brief or vague, and to observe the bulletin boards to see if student information was posted. The questions were created by the researcher and are presented in Appendix C. After conducting the interviews, the researcher transcribed the interviews and had the TOSA and CT provide the transcriptions to the 12 teachers to review the transcriptions to validate their responses.

The open-ended, semi-structured interview questions were created with the ultimate goal of gaining rich data (Maxwell, 2013). There was also flexibility with asking more questions to get a better understanding of the participants' knowledge of FERPA and its practices.

Reliability

Reliability is the degree of consistency of a measure, and it gives the same repeated results under the same condition (Shuttleworth & Wilson, 2009). Creswell (2013) discussed several strategies to ensure the reliability of a research study. Based on those suggestions, (a) the researcher had the interviews recorded and then transcribed the responses; (b) the researcher reviewed the transcripts to make sure they were transcribed accurately to assign codes; and (c)

the researcher employed member checking by allowing the interviewees an opportunity to review the transcriptions to validate their responses (Lazovsky, 2008).

To ensure reliability on the quantitative portion of the study, the researcher had a professor and colleague peer-edit the survey and pre- and post-test. The survey was field tested by the researcher's colleagues. Based on their recommendations, the survey and pre- and post-test were revised before they were administered to the site administrators.

Validity

An instrument that actually measures what it sets out to has validity (Chen, Donaldson, & Mark, 2011; Lunenburg & Irby, 2008), which can be in an internal or external form. Internal validity is how well the test or other research instruments measure what it was attempting to measure (Concordia University, n.d.). Akçay & Üzümlü (2016) state, "internal validity is achieved by quoting verbatim from the participants' views which codes and themes were obtained from and referencing the participants' confirmation" (p. 1962). Pre- and post-test questions from the AACRAO FERPA training guide were given to the participants. Since the questions were designed by the leading organization responsible for the dissemination of information related to FERPA, validity has already been established and proven. Also, the pre- and post-test, as well as the survey, was peer-edited by a professor and colleague.

External validity measures whether inferences gained from an instrument or a research study can be held with participants in other situations (Concordia University, n.d.).

Triangulation allows researchers to collect information from individuals and settings using a variety of methods (Maxwell, 2013). The researcher should be able to present the same findings to other educational institutions by using results from the triangulation of survey questions, interviews, and observations.

To ensure validity, the researcher used a triangulation mixed-methods design to gather data from the surveys, interviews, and observations. Lochmiller and Lester (2017) stated that triangulation is described as a validity procedure where a researcher seeks to establish evidence across multiple lines of data. Jones (2017) purported the characteristics of triangulation as (a) both quantitative and qualitative data being collected at the same time, (b) the quantitative and qualitative data being analyzed separately, and (c) the results of the quantitative and qualitative analysis being compared or combined. Triangulation mixed-methods design (see Figure 2) is often used (a) when researchers want to combine the advantages of quantitative data, like large numbers, with qualitative data, like small numbers; (b) to validate quantitative findings with qualitative data; or (c) when quantitative results are expanded with open-ended qualitative data (Jones, 2017).

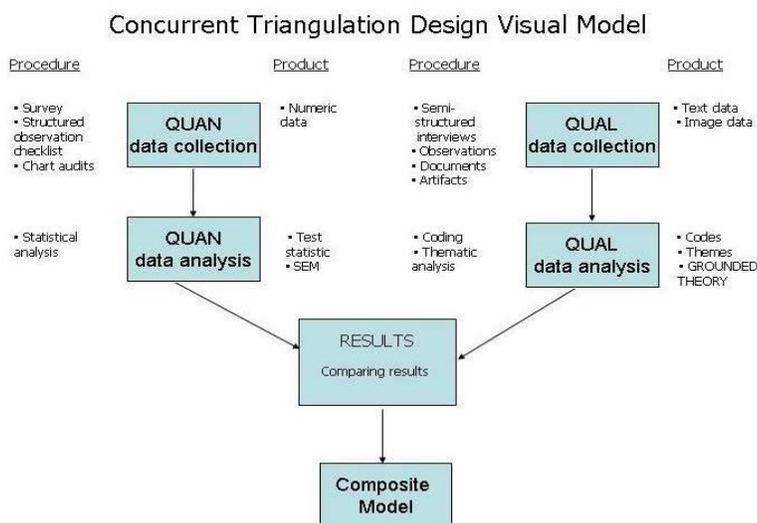


Figure 2. Triangulation Mixed-Methods Design Model. (Jones, 2017)

Plan for Data Collection

The research study utilized a quantitative and qualitative methodology for data collection and analysis. The two methodologies will be explained separately.

For the quantitative part of the research study, the administrators were given a survey instrument, which included demographic questions, a seven-point Likert Scale with questions on FERPA, and a pre- and post-test, based on questions from the AACRAO 2012 FERPA Guide (Falkner & Rooker, 2012), which can be found in Appendix B. In between the pre- and post-test, the participants received a 45 minute training on FERPA. The following steps were taken for the quantitative component of the research study.

1. An email was sent to all site administrators, principals and assistant principals, from School District XYZ to participate in a face-to-face FERPA training. The trainings were conducted before the start of school, as well as after school, to allow more flexibility with the schedules of the site administrators.
2. Before the training, the participants picked up an envelope that had a random number on it. The envelope contained the informed consent form, survey questions, and pre- and post-test. The survey questions and pre- and post-test had the same random number as the envelope. The participants signed the consent form and gave it to the researcher.
3. The researcher had the participants complete the survey and pre-test. The participants were given the freedom to skip any questions they did not feel comfortable answering. The participants were instructed to put the survey and pre-test back into their envelope.
4. The participants were given training on FERPA that included a power point (see Appendix F).
5. Immediately after the training, the participants were given the post-test. Similar to the pre-test, participants had the freedom to skip any questions they were not

comfortable answering. Participants were instructed to put the post-test back into their envelope and to seal the envelope. Before leaving, the participants were given a FERPA brochure (see Appendix E). The sealed envelopes were placed on the back table as the participants left the room.

6. The presentation and handouts were sent to the participants through email.

The qualitative component of data collection included individual face-to-face interviews and observations with the teachers. The interviews were conducted in each teacher's classroom and lasted an average of 15-30 minutes for each participant. The following steps were taken in the individual interviews:

1. Before sending out an email, the researcher was able to provide a brief overview of the study to the teachers at School ABC and School DEF during their staff meeting. An email was sent to the teachers at School ABC and School DEF to ask for volunteer participants. From that email, 12 responded (one was male and eleven were female). The email also stated that the TOSA or CT would be the point of contact.
2. The TOSA or CT arranged the day and time for the interviews. All interviews were conducted before or after school to not interfere with instructional time.
3. Before the interview began, the participant read and completed a consent form as well as an audio consent form that described the purpose of the study and the measures taken to ensure confidentiality. The participant was also notified that the recording could be stopped at any time or the interview could be conducted without the use of the audio recorder.
4. During the interview, questions were asked regarding the participant's knowledge of FERPA and student confidentiality. During the interview, the TOSA or CT took

notes to capture comments and important points made by the participant as well as make observations about the bulletin boards regarding student information being posted. After the last interview question, the TOSA or CT provided the participants with a FERPA brochure (see Appendix E).

5. After all participants were interviewed, the researcher transcribed the interviews and had the TOSA or CT provide the transcriptions to the 12 teachers to review the transcriptions to validate their responses.
6. After the transcriptions were validated, the researcher coded them to look for themes.

Plan for Data Analysis

The purpose of this mixed-methods narrative study was to determine if site administrators and teachers from educational institutions understand how to enforce FERPA. The study also examined how site administrators effect change and implement FERPA and if teachers, while being interviewed, understand how to enforce FERPA. The study included both quantitative and qualitative research. The researcher used a one-group, pretest-posttest design for the quantitative portion of the study as shown in Figure 3.

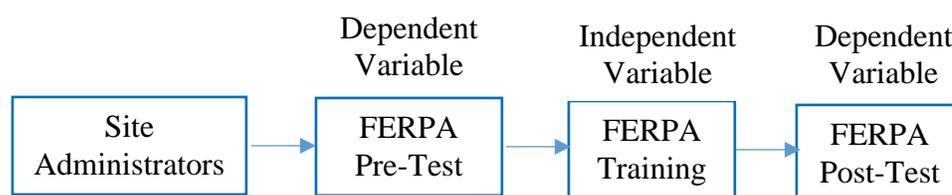


Figure 3. One-Group Pretest-Posttest Design.

The site administrators were given a survey and a pre-test, a face-to-face FERPA training, and a post-test. The qualitative method included individual interviews to obtain information regarding FERPA with 12 teachers.

The researcher provided training to the site administrators and administered the survey and pre- and post-test while a trained Teacher on Special Assignment (TOSA) or classroom

teacher (CT) conducted the interviews with the teachers and made observations about the bulletin boards. The researcher trained the TOSA and CT on how to administer the interviews and observe the bulletin boards to see if student information was posted. After the procedures for data collection had been completed, the researcher analyzed the data using quantitative and qualitative methods.

The quantitative analysis of data was used to compare the pre-and post-test and to analyze the survey questions. Since the survey and pre-and post-test were administered in a pencil/paper format, the researcher input the results into the SPSS program. In addition to entering each participant's responses, the researcher also entered the results from the demographic questions that were included in the survey. The pre- and post-test and surveys were stored in a combination-locked filing box.

Before analyzing any data, the researcher screened the data for errors. Pallant (2013) recommends two steps when screening the data. The two steps are: (1) check for errors on each of the variables for scores that are out of range and (2) find and correct the error in the data file (Pallant, 2013). One way to check for errors is to review the minimum and maximum values to make sure they are within the range of possible scores.

To analyze the results from the demographic questions from the site administrators and teachers, the researcher used the frequencies table in SPSS. The researcher also used the frequency tables to obtain the mean, standard deviation, and percentages from the pre- and post-test and survey questions.

A paired-samples *t*-test was run to compare the change in raw scores from the pre-test to the post-test. The researcher had to determine the overall significance to see if the value was less

than .05, which shows a significant difference between the pre- and post-test. More information on the analysis can be found in Chapter 4.

For the qualitative analysis, the researcher used the three-stage strategy from Creswell (2013): (1) prepare and organize the data, (2) reduce the data into themes, and (3) represent the data. For stage one, all interviews and the open-ended pre- and post-test question were fully transcribed by the researcher. The transcriptions and recordings were stored on a thumb drive that was stored in a combination-locked filing box. Interviewees were identified by a unique individual code in all transcriptions (Trice-Black et al., 2013). The researcher employed member checking by allowing the interviewees an opportunity to review the transcriptions to validate their responses. Transcriptions were given to the TOSA and CT to deliver to the interviewees since the TOSA and CT knew the unique individual code for each participant.

In stage two, the researcher grouped the interview questions that were similar. Then, the researcher analyzed the transcriptions by reading and re-reading the transcriptions. The researcher highlighted meaningful sentences and words that could be reduced into themes regarding FERPA.

For stage three, the researcher formulated categories and explored the relationships between the categories (Narayan et al., 2013). Through a selective coding process, the researcher was able to narrow the data from the similar interview questions into ten major themes: (a) defining protocol and procedures, (b) defining rules for posting student work, (c) student education records, (d) security measures, (e) posting and discussing student data without names, (f) do not post student data, (g) individual conversations with students, (h) protecting student confidentiality, (i) have not been trained on FERPA, and (j) not sure about FERPA. Also, the researcher was able to narrow the data from the open-ended pre- and post-test

questions. Three major themes were found in the pre-test question: (a) procedures, (b) student confidentiality, and (c) student education records, whereas two major themes were found in the post-test question: (a) compliance and (b) training.

The qualitative analysis of data was used for the responses from the individual interviews and the open-ended pre- and post-test questions. The responses were transcribed word by word and then analyzed for similarities and differences as well as for coding to find major themes. A transcript of the interviews and the open-ended pre- and post-test questions can be found in Appendix D.

Coding entails aggregating text into categories of information, utilizing different databases from the study to find evidence for the code, and assigning a label to the code (Creswell, 2013). The researcher labeled and coded the responses to identify themes that could be organized into meaningful chunks by employing such strategies as color coding and sticky notes.

Narrative Structure

The researcher has been in education for 25 years and is currently a Coordinator of Student Achievement for School District XYZ. While working in previous positions, the researcher has seen educators posting student work with grades and identifying information.

In the researcher's current position, the researcher now understands the significance of how posting student work with grades and identifying information violates FERPA. Using the knowledge gained by this research, the researcher will help others abide by FERPA law. The researcher's ultimate goal is to present the findings from this research study to School District XYZ's leadership team and to conduct FERPA training for all administrators during their summer Leadership Symposium.

Plan to Address Ethical Issues

An ethical obligation is to understand how the participants will perceive the researcher's actions and how they will respond (Maxwell, 2013). As a requirement to complete research at Concordia University Irvine, the researcher completed the Institutional Review Board process. Part of the approval process included the successful completion of the Protecting Human Research Participants course, an online training addressing the principles used to define ethical research using humans and the regulations, policies, and guidance that describe the implementation of those principles (see Appendix K).

Permission to conduct research was granted by School District XYZ. Participants were presented with an informed consent form (see Appendix J) describing the purpose of the study, that participation was voluntary, and there would not be any unnecessary risks. Also, the participants', administrators and teachers, information and data were anonymous. The researcher was unaware of each participants' responses to the survey, pre- and post-test, and interviews. Only the Teacher on Special Assignment (TOSA) and Classroom Teacher (CT) were aware of the identities of the interviewees and did not share such information with the researcher. All documents, responses and data, were kept in a combination-locked filing box. At the end of the research study, all documents were securely shredded.

Since the researcher works at School District XYZ as a district administrator and to prevent any supervisorial and ethical bias, a TOSA and CT were trained to interview the teachers. Also, the TOSA and CT were chosen to create a safe environment for the interviewees. The training consisted of identifying the interviewees each with a random number that was only known to the TOSA and CT. By the TOSA and CT interviewing the teachers and the researcher

not knowing how each teacher responded allowed the teachers to answer the questions freely and eliminated any researcher bias.

Summary

This chapter reviewed the methods used in the research study, including the participants, instrumentation, and measures used for data collection and analysis. Participants, site administrators and teachers, were chosen from a public school district in Orange County, California. Validity and reliability strategies, as well as data collection procedures, were discussed. The plan for data analysis was presented in this chapter along with the plan to address ethical issues. Results of the data analysis are presented in Chapter 4.

CHAPTER 4: RESULTS AND DISCUSSION

The purpose of this mixed-methods study was to determine if site administrators and teachers from educational institutions understand how to enforce FERPA. This study utilized quantitative procedures such as descriptive statistics for data collected via a survey that focused on the knowledge of FERPA, student data, and student/parent rights. The researcher also measured the impact of providing a FERPA training to site administrators by comparing their results from a pre-test to a post-test using the same instrument. Also, the researcher used qualitative procedures to review responses from the teacher interview questions as well as the responses that the site administrators provided to the open-ended question that was on the pre- and post-test.

Data were collected from 10 site administrators and 12 teachers. Site administrators were given the survey and pre- and post-test whereas the teachers were given interview questions. Descriptive statistics were reported for survey responses related to the following: Knowledge of FERPA, Student Data, and Student/Parent Rights. Furthermore, descriptive statistics were used to measure the site administrators' responses to the pre- and post-test questions.

For the qualitative analysis, responses from the open-ended question on the pre- and post-test, as well as the interview questions, were reviewed and coded for major themes. The open-ended questions were given to the site administrators that attended the FERPA training while the interview questions were given to the teachers from School ABC and School DEF. Each participant, site administrators and teachers, was given a unique individual code that was used throughout the qualitative process of the research.

Summary of the Study

The following three research questions guided the design of this mixed-methods study:

1. How do school personnel ensure compliance of FERPA practices?
 - a. How do site administrators and teachers ensure compliance with their level of understanding of FERPA practices?
2. How do site administrators effect change and implement FERPA after receiving training?
3. How are students' rights protected when staff members talk to one another?

Quantitative Data Analysis

Research Question One

The first research question was: How do school personnel ensure compliance of FERPA practices? How do site administrators and teachers ensure compliance with their level of understanding of FERPA practices? Descriptive statistics from the site administrators' responses to the survey were analyzed to gain a better insight of the site administrators' understanding of FERPA. The following questions from the survey were analyzed: questions one to three and five to six in the section titled, Knowledge of FERPA (KF); questions one to three and five from the section titled, Student Data (SD); and questions one and three to six from the section titled, Student/Parent Rights (SPR).

Survey question KF4 could not be interpreted because it asked the site administrators to respond to how well they understand FERPA as well as how confident they feel in managing student information. For the reasons mentioned above, this survey question was removed from the data analysis and discussion.

The site administrators were given the survey before the training. They were told to read each question and select one response option on a 7-point Likert Scale: Strongly Disagree (1), Disagree (2), Somewhat Disagree (3), Neither Agree nor Disagree (4), Somewhat Agree (5),

Agree (6) and Strongly Agree (7). The possible distribution of responses ranged from one – Strongly Disagree to seven – Strongly Agree. The mean (M) ratings and standard deviations (SD) from the survey questions are displayed below in Table 3. The maximum mean rating for each question was 7.0. Each of the data items are discussed in more detail in this section.

Table 3

Survey Results for Knowledge of FERPA, Student Data, and Student/Parent Rights - Mean and Standard Deviation

Variable	<i>M</i>	<i>SD</i>
KF1	1.90	1.60
KF2	3.80	1.48
KF3	5.80	1.14
KF5	1.90	.994
KF6	4.20	1.75
SD1	6.10	.994
SD2	4.80	1.40
SD3	4.30	1.16
SD5	1.70	.675
SPR1	6.22	.667
SPR3	4.33	1.94
SPR4	2.78	1.79
SPR5	4.00	2.00
SPR6	5.11	1.45

KF1. Question one in the Knowledge of FERPA section had the site administrators respond to the following: “Prior to this training, I participated in trainings where FERPA was the main topic.” The mean rating was 1.9 on a scale from one (strongly disagree) to seven (strongly

agree). Ten of the site administrators responded to this question with six selecting strongly disagree. Figure 4 shows the percentage of responses for KF1.

The high percentage of strongly disagree and disagree shows that School District XYZ does not provide any training on FERPA. FERPA laws do not appear to be a high priority for School District XYZ, which may negatively impact knowledge and potential implementation of the law. Not making FERPA a high priority for School District XYZ will also be shown in subsequent figures.

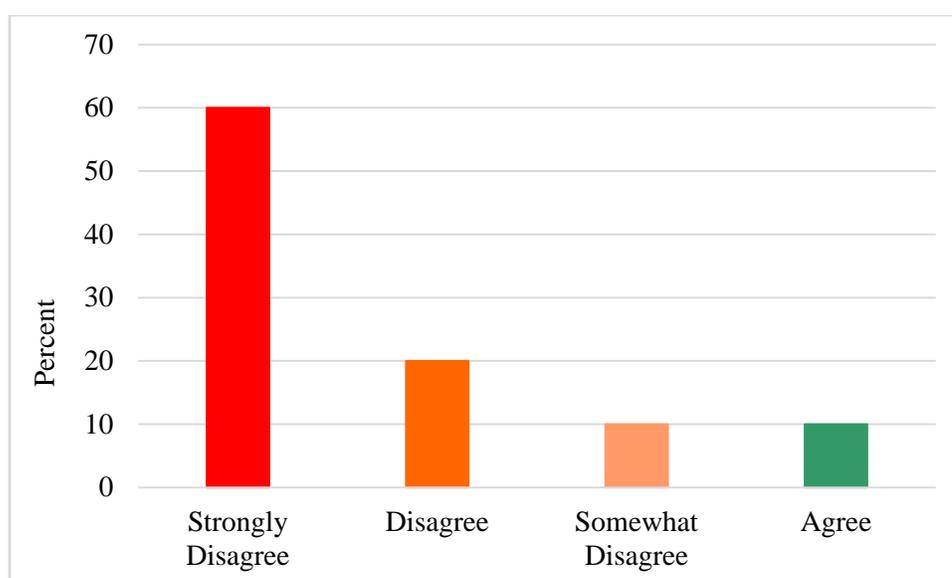


Figure 4. Percentage of survey responses for KF1: "Prior to this training, I participated in trainings where FERPA was the main topic." Possible responses ranged from strongly disagree to agree. A total of ten respondents participated.

KF2. Question two in the Knowledge of FERPA section had the site administrators respond to the following: "Before reading the definition of FERPA, I knew what FERPA was." The mean rating was 3.8 on a scale from one (strongly disagree) to seven (strongly agree). Five of the ten site administrators responded to this question by choosing somewhat agree. Figure 5 shows the percentage of responses for KF2.

Although half of the site administrators responded that they somewhat agree to know what FERPA was, it supports the conclusion that the site administrators do not have a full grasp of FERPA or its laws. Even though the site administrators have heard of FERPA, they do not really know FERPA. Again, if School District XYZ made FERPA a high priority, all of the site administrators would respond to this question with agree or strongly agree.

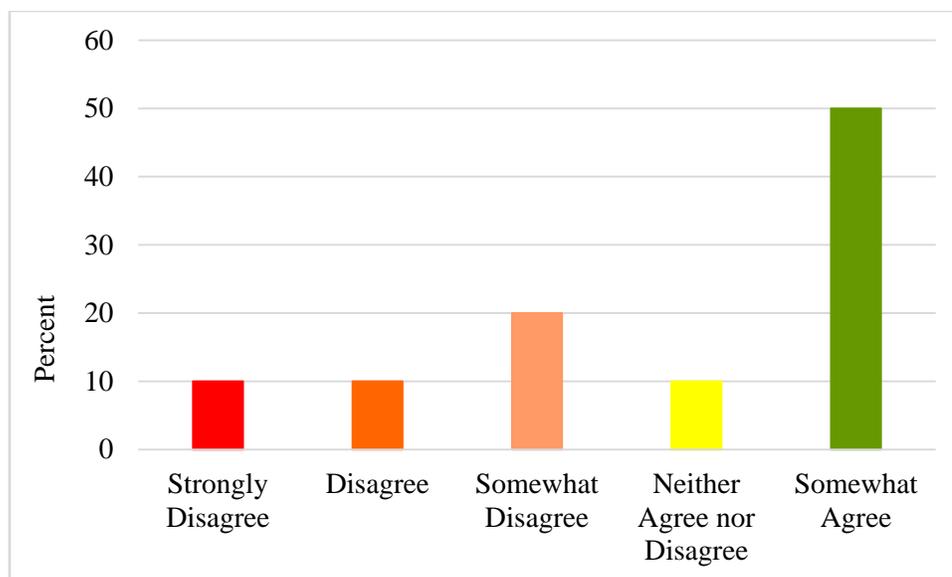


Figure 5. Percentage of survey responses for KF2: "Before reading the definition of FERPA, I knew what FERPA was." Possible responses ranged from strongly disagree to somewhat agree. A total of ten respondents participated.

KF3. Question three in the Knowledge of FERPA section had the site administrators respond to the following: "As an administrator, I believe FERPA to be important." The mean rating was 5.8 on a scale from one (strongly disagree) to seven (strongly agree). Seven of the ten site administrators chose agree and strongly agree for this question. Figure 6 shows the percentage of responses for KF3.

Even though the site administrators have not been trained on FERPA, the majority concur that FERPA is important. If site administrators were trained on FERPA, they would not only all

agree that FERPA is important, but they would also know the components of FERPA and its importance.

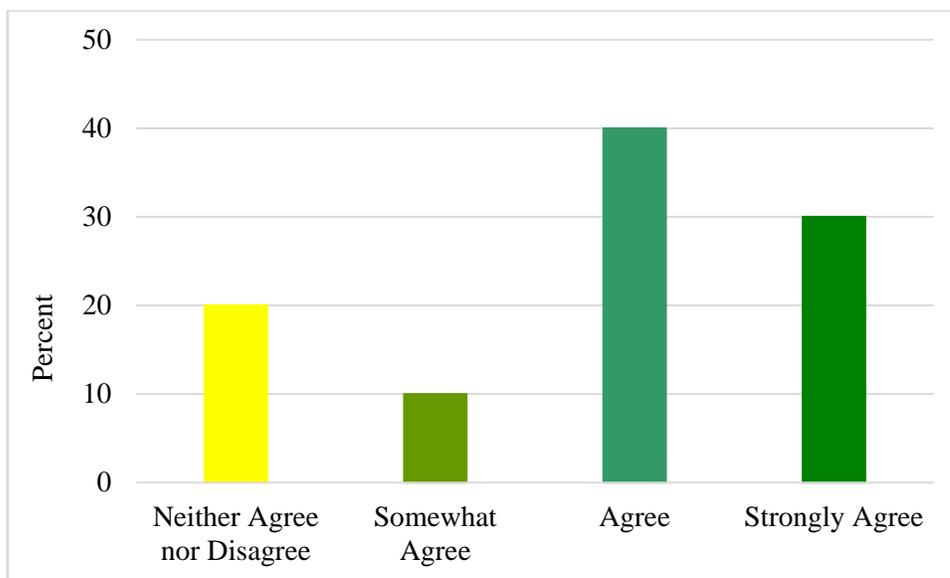


Figure 6. Percentage of survey responses for KF3: "As an administrator, I believe FERPA to be important." Possible responses ranged from neither agree nor disagree to strongly agree. A total of ten respondents participated.

KF5. Question five in the Knowledge of FERPA section had the site administrators respond to the following: "I know my staff (teachers and support staff) has been trained on FERPA." The mean rating was 1.9 on a scale from one (strongly disagree) to seven (strongly agree). Ten of the site administrators responded to this question with eight choosing strongly disagree and disagree. Figure 7 shows the percentage of responses for KF5.

Similar to question KF1, question KF5 shows that School District XYZ does not provide any training on FERPA, which is reflected in the high percentage of strongly disagree and disagree responses from the site administrators. If School District XYZ made FERPA training a high priority that would allow all employees to know the laws associated with FERPA and prevent any employee from making an unknown error when it comes to protecting students and their privacy.

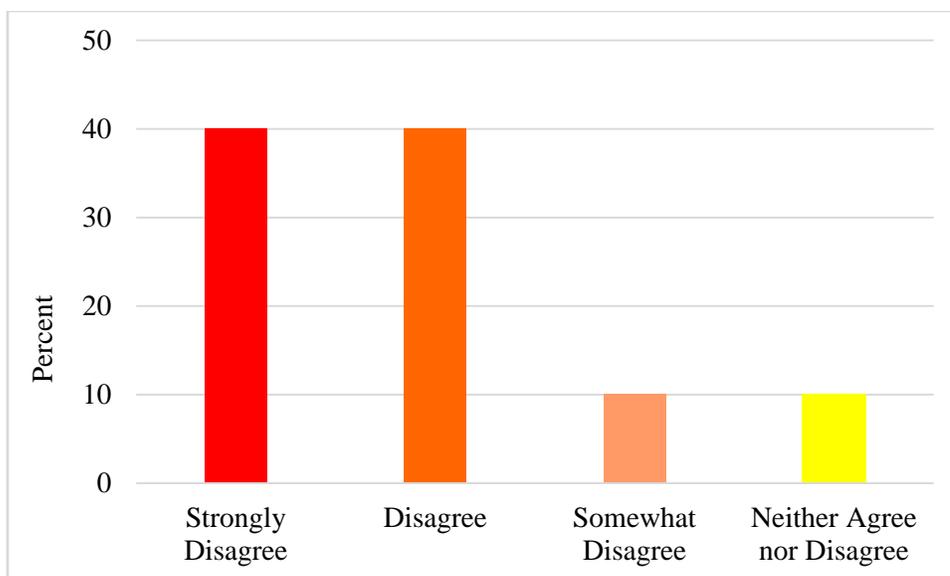


Figure 7. Percentage of survey responses for KF5: "I know my staff (teachers and support staff) has been trained on FERPA." Possible responses ranged from strongly disagree to neither agree nor disagree. A total of ten respondents participated.

KF6. Question six in the Knowledge of FERPA section had the site administrators respond to the following: "I know which FERPA laws must be applied to student education records." The mean rating was 4.2 on a scale from one (strongly disagree) to seven (strongly agree). Ten of the site administrators responded to this question with a total of nine selecting disagree, somewhat agree, and agree. This question provided a range of responses from the site administrators. Figure 8 shows the percentage of responses for KF6.

The range of responses supports the fact that School District XYZ has not made FERPA a high priority. If the site administrators had received regular and thorough FERPA training, they all would have the knowledge of which laws must be applied to student education records. The range of responses is also troublesome because some of the site administrators might be applying their own knowledge on which laws must be applied to student education records.

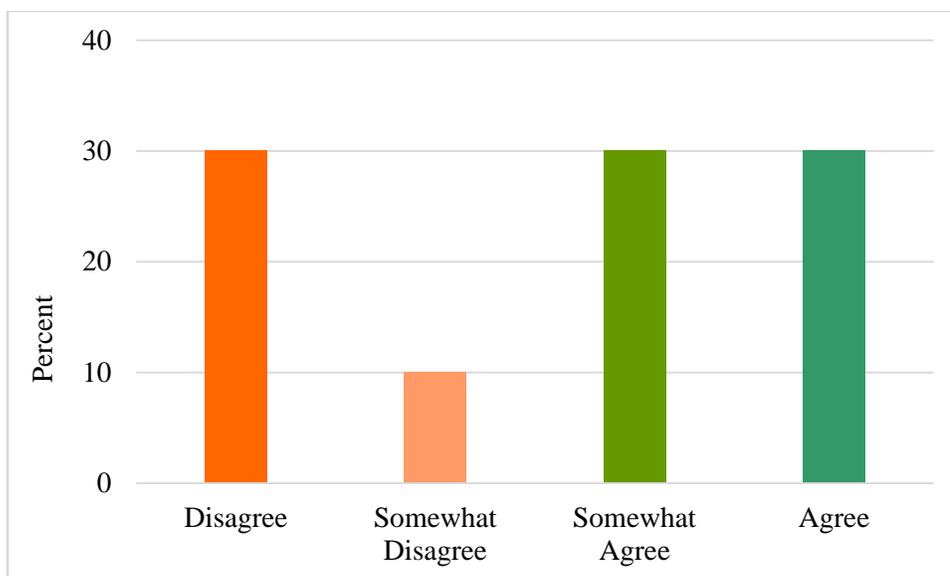


Figure 8. Percentage of survey responses for KF6: "I know which FERPA laws must be applied to student education records." Possible responses ranged from disagree to agree. A total of ten respondents participated.

Summary of Knowledge of FERPA Survey Section

Table 4

Summary of Knowledge of FERPA Survey Section

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
KF1	60	20	10	0	0	10	0
KF2	10	10	20	10	50	0	0
KF3	0	0	0	20	10	40	30
KF5	40	40	10	10	0	0	0
KF6	0	30	10	0	30	30	0

The Knowledge of FERPA survey section had the site administrators respond to six questions, which all related to research question one. Table 4 shows the questions from the Knowledge of FERPA survey section and the percentage of overall responses from the site

administrators. As previously stated, question KF4 was removed from the analysis and discussion.

To reiterate, the questions that the site administrators were asked to respond to were: (KF1) “Prior to this training, I participated in trainings where FERPA was the main topic.”; (KF2) “Before reading the definition of FERPA, I knew what FERPA was.”; (KF3) “As an administrator, I believe FERPA to be important.”; (KF5) “I know my staff (teachers and support staff) has been trained on FERPA.”; and (KF6) “I know which FERPA laws must be applied to student education records.”

The responses to the questions from the Knowledge of FERPA survey section emphasize the fact that School District XYZ has not made FERPA a high priority nor has provided an in-depth FERPA training. Not making FERPA a high priority negatively impacts the site administrators’ knowledge and implementation of the law especially when it applies to student education records and protecting student privacy. Site administrators have heard the word FERPA but are unable to comprehend what it entails. Based on this analysis, School District XYZ needs to provide in-depth FERPA training and make FERPA a high priority.

SD1. Question one in the Student Data section had the site administrators respond to the following: “In my opinion, maintaining the confidentiality of student data is a high priority at my school.” The mean rating was 6.1 on a scale from one (strongly disagree) to seven (strongly agree). Eight of the ten administrators selected agree and strongly agree to question SD1. Figure 9 shows the percentage of responses for SD1.

Even without having received FERPA training, site administrators still know that maintaining student data confidentiality is a high priority. The site administrators are passionate about protecting their students’ privacy and upholding student data confidentiality, but they

could benefit from more in-depth FERPA training. Receiving in-depth FERPA training will not only allow the site administrators to continue protecting their students' privacy but will also allow them to have an actual understanding of FERPA. School District XYZ needs to make FERPA training a high priority.

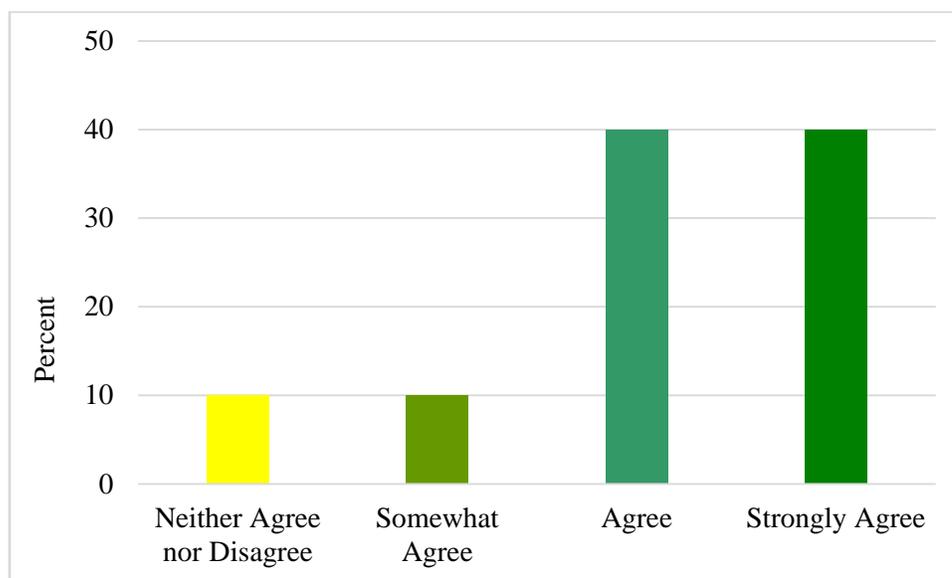


Figure 9. Percentage of survey responses for SD1: "In my opinion, maintaining the confidentiality of student data is a high priority at my school." Possible responses ranged from neither agree nor disagree to strongly agree. A total of ten respondents participated.

SD2. Question two in the Student Data section had the site administrators respond to the following: "I know which student data elements may be released to the public." The mean rating was 4.8 on a scale from one (strongly disagree) to seven (strongly agree). Seven of the ten site administrators chose somewhat agree and agree to knowing which student data elements may be released to the public. Question SD2 provided a range of responses from the site administrators. Figure 10 shows the percentage of responses for SD2.

Similar to question KF6, question SD2 supports the fact that School District XYZ has not made FERPA a high priority. The range of responses is evident to not having received FERPA training. If the site administrators had received training, they would know which student data

elements may be released to the public. The range of responses is troublesome because some of the site administrators might be releasing the wrong student data elements to the public.

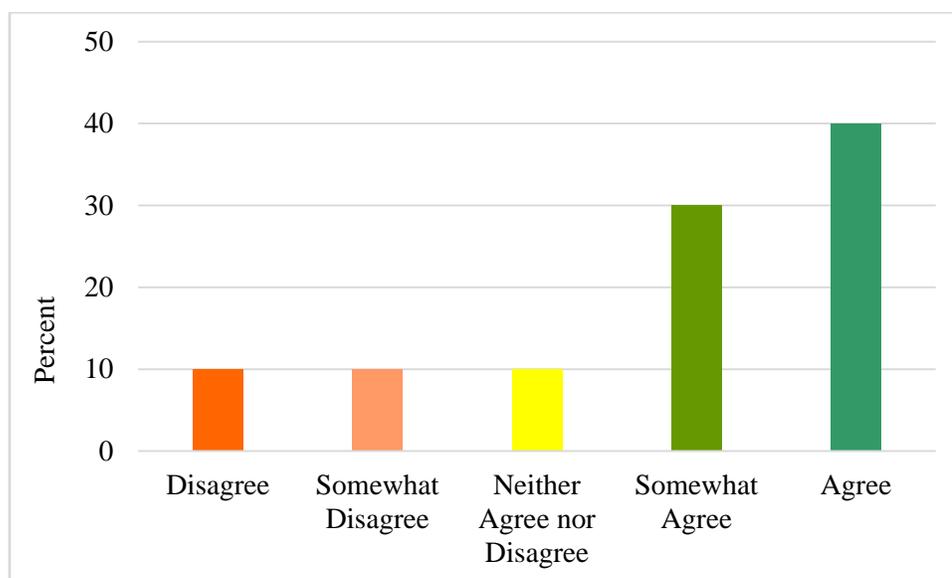


Figure 10. Percentage of survey responses for SD2: "I know which student data elements may be released to the public." Possible responses ranged from disagree to agree. A total of ten respondents participated.

SD3. Question three in the Student Data section had the site administrators respond to the following: "I understand how student data/results should be publicly displayed." The mean rating was 4.3 on a scale from one (strongly disagree) to seven (strongly agree). Ten of the site administrators responded to this question with a total of six selecting somewhat disagree and neither agree nor disagree. This question provided a range of responses from the site administrators. Figure 11 shows the percentage of responses for SD3.

Similar to questions KF6 and SD2, the range of responses for question SD3 reflects not having received FERPA training. If the site administrators had received training, they would understand how student data and results should be publicly displayed. Even though four of the site administrators responded that they know how to display student data and results publicly, it still cannot be determined if the site administrators know since they have not received FERPA

training, which could be problematic because the site administrators might be allowing their teachers to publicly display student data/results incorrectly.

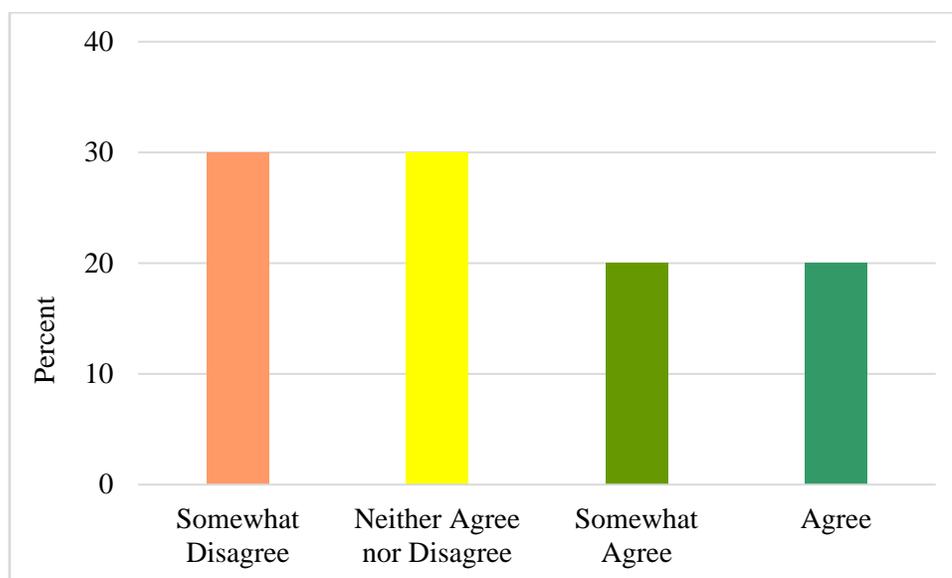


Figure 11. Percentage of survey responses for SD3: "I understand how student data/results should be publicly displayed." Possible responses ranged from somewhat disagree to agree. A total of ten respondents participated.

SD5. Question five in the Student Data section had the site administrators respond to the following: "Teachers may post publicly student grades by student last name and/or student ID." The mean rating was 1.7 on a scale from one (strongly disagree) to seven (strongly agree). The majority of the site administrators responded strongly disagree and disagree to the question on if teachers may publicly post student grades by student last name or student ID. Figure 12 shows the percentage of responses for SD5.

Even though the site administrators still do not know about FERPA, they know that student grades cannot be publicly displayed by the student's last name or student ID, which supports the fact that site administrators protect their students' privacy. Although the site administrators know that student grades cannot be publicly displayed by last name or ID, they

are still unable to enforce this at their school because School District XYZ has not made FERPA a high priority. Therefore, they do not have the districts support with this enforcement.

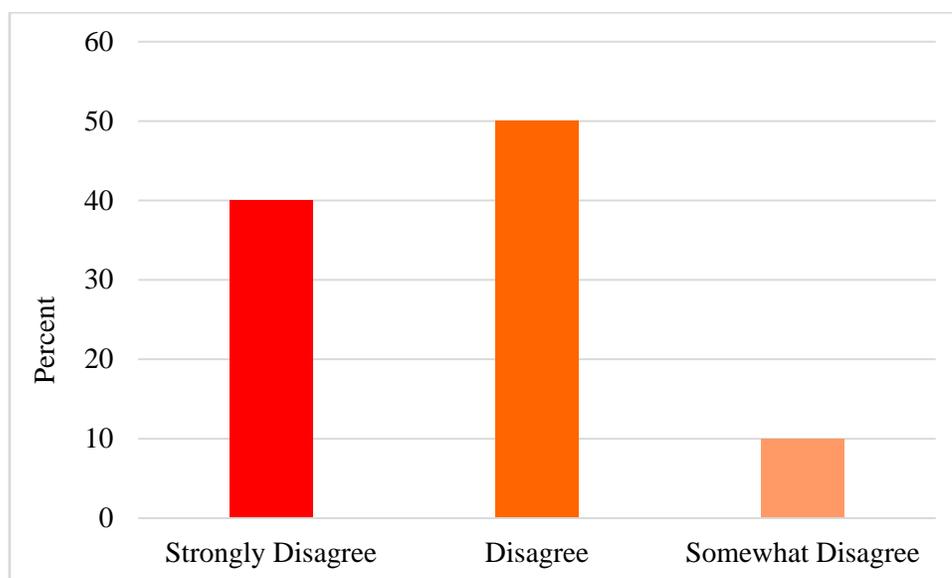


Figure 12. Percentage of survey responses for SD5: "Teachers may post publicly student grades by student last name and/or student ID." Possible responses ranged from strongly disagree to somewhat disagree. A total of ten respondents participated.

Summary of Student Data Survey Section

Table 5

Summary of Student Data Survey Section

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
SD1	0	0	0	10	10	40	40
SD2	0	10	10	10	30	40	0
SD3	0	0	30	30	20	20	0
SD5	40	50	10	0	0	0	0

The Student Data survey section had the site administrators respond to five questions, four of which related to research question one. Table 5 shows the questions from the Student Data survey section and the percentage of overall responses from the site administrators.

To reiterate, the questions that the site administrators were asked to respond to were: (SD1) “In my opinion, maintaining the confidentiality of student data is a high priority at my school.”; (SD2) “I know which student data elements may be released to the public.”; (SD3) “I understand how student data/results should be publicly displayed.”; and (SD5) “Teachers may post publicly student grades by student last name and/or student ID.”

Similar to the Knowledge of FERPA survey section, School District XYZ needs to make FERPA a high priority and provide in-depth FERPA training. Even though School District XYZ has not made FERPA a high priority or offered an in-depth FERPA training, the site administrators innately know how to protect their students’ privacy. If the site administrators could receive an in-depth FERPA training, they would have a better understanding of FERPA and know how to apply it when it comes to releasing or publicly displaying student information.

SPR1. Question one in the Student/Parent Rights section had the site administrators respond to the following: “The issue of a student’s right to privacy as defined by FERPA is important.” The mean rating was 6.2 on a scale from one (strongly disagree) to seven (strongly agree). Nine administrators responded to this question with five agreeing that the issue of a student’s right to privacy as defined by FERPA is important. It is expected that this question would be answered with a positive response since a student’s right to privacy is very important to anyone in the education field. Figure 13 shows the percentage of responses for SPR1.

Even though the site administrators have not received training on FERPA, they still know that a student’s right to privacy is important. If the site administrators would be able to receive

an in-depth FERPA training, they could have a better understanding of FERPA. As shown in Figure 13, the site administrators did respond positively to this question.

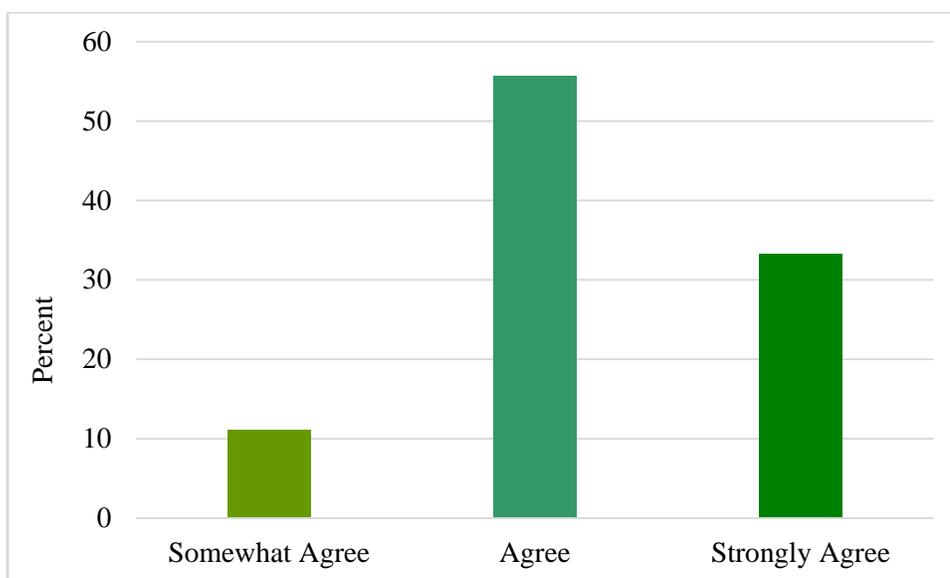


Figure 13. Percentage of survey responses for SPR1: "The issue of a student's right to privacy as defined by FERPA is important." Possible responses ranged from somewhat agree to strongly agree. A total of nine respondents participated.

SPR3. Question three in the Student/Parent Rights section had the site administrators respond to the following: "Parents are notified annually of their rights under FERPA." The mean rating was 4.3 on a scale from one (strongly disagree) to seven (strongly agree). Nine of the site administrators responded to this question with three selecting neither agree nor disagree. Question SPR3 provided a range of responses from the site administrators. Figure 14 shows the percentage of responses for SPR3.

The range of responses for question SPR3 indicates that School District XYZ has not communicated with the site administrators on parents and their rights under FERPA. School District XYZ does provide each parent a hard copy of the district's parent handbook each year. Also, School District XYZ provides an electronic version of the annual parent handbook on their website. Even though School District XYZ has not provided FERPA training and made FERPA

a high priority, they still follow the law by including the annual notice in the district's parent handbook.

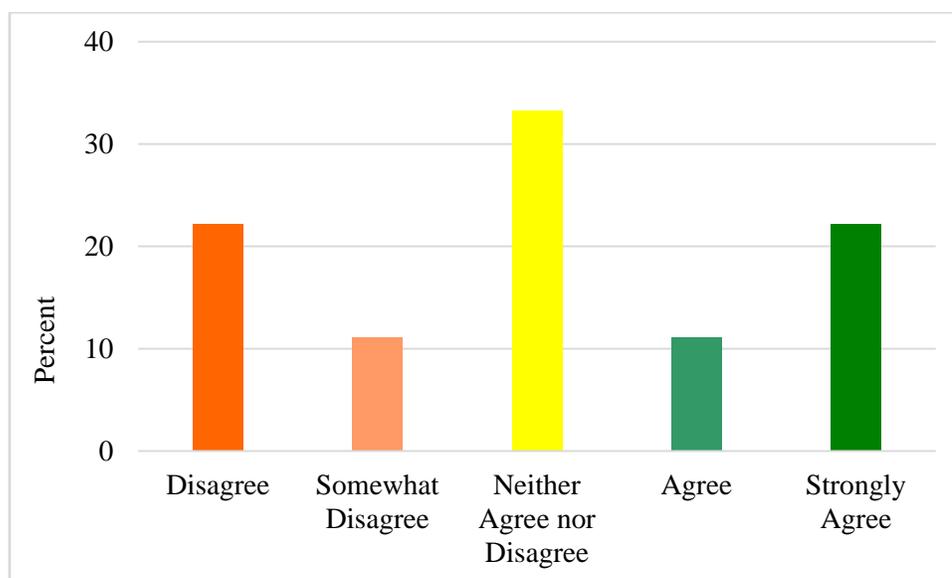


Figure 14. Percentage of survey responses for SPR3: "Parents are notified annually of their rights under FERPA." Possible responses ranged from disagree to strongly agree. A total of nine respondents participated.

SPR4. Question four in the Student/Parent Rights section had the site administrators respond to the following: "I have received FERPA training related to student/parent rights." The mean rating was 2.8 on a scale from one (strongly disagree) to seven (strongly agree). Six of the nine site administrators responded with strongly disagree or somewhat agree. This question provided a range of responses from the site administrators. Figure 15 shows the percentage of responses for SPR4.

Similar to previous questions, School District XYZ has not provided any training on FERPA, which is reflected in the range of responses. While some of the site administrators might have received training on student and parent rights, the range of responses shows that the training was not specifically related to FERPA and how it applies to student and parent rights.

If School District XYZ provided an in-depth FERPA training, all of the site administrators would respond positively to this question.

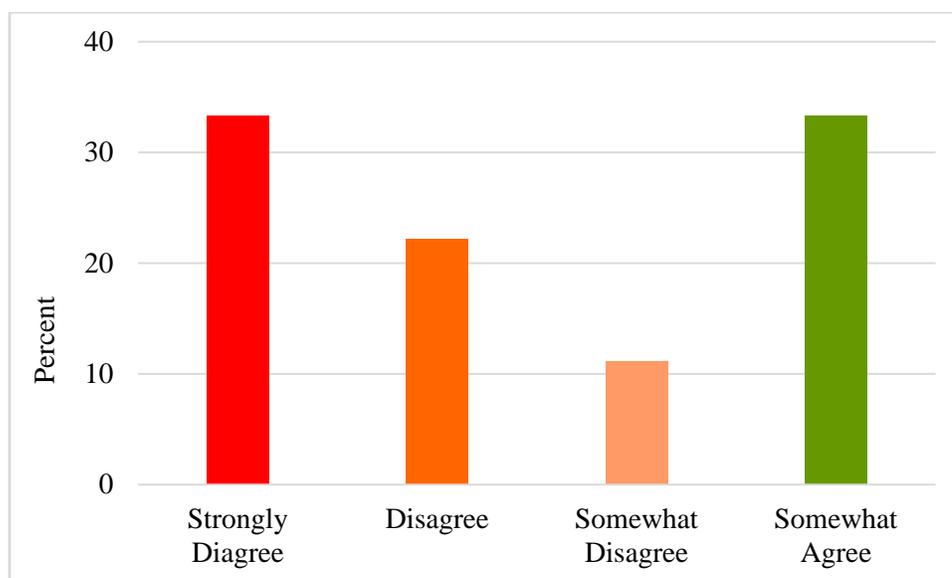


Figure 15. Percentage of survey responses for SPR4: "I have received FERPA training related to student/parent rights." Possible responses ranged from strongly disagree to somewhat agree. A total of nine respondents participated.

SPR5. Question five in the Student/Parent Rights section had the site administrators respond to the following: "Information in a student education record can be changed by the parent or student (if over 18)." The mean rating was 4.0 on a scale from one (strongly disagree) to seven (strongly agree). Four of the nine site administrators responded with neither agree nor disagree. Question SPR5 provided a range of responses from the site administrators. Figure 16 shows the percentage of responses for SPR5.

Similar to previous questions, School District XYZ has not provided any training on FERPA, which is reflected in the range of responses. The high response of neither agree nor disagree shows that the site administrators do not know how to respond to this question. Not having received training on FERPA reflects in the way the site administrators responded to this question. If School District XYZ provided in-depth FERPA training, site administrators would

know if the information in a student education record could be changed by the parent or student, if over 18 years of age.

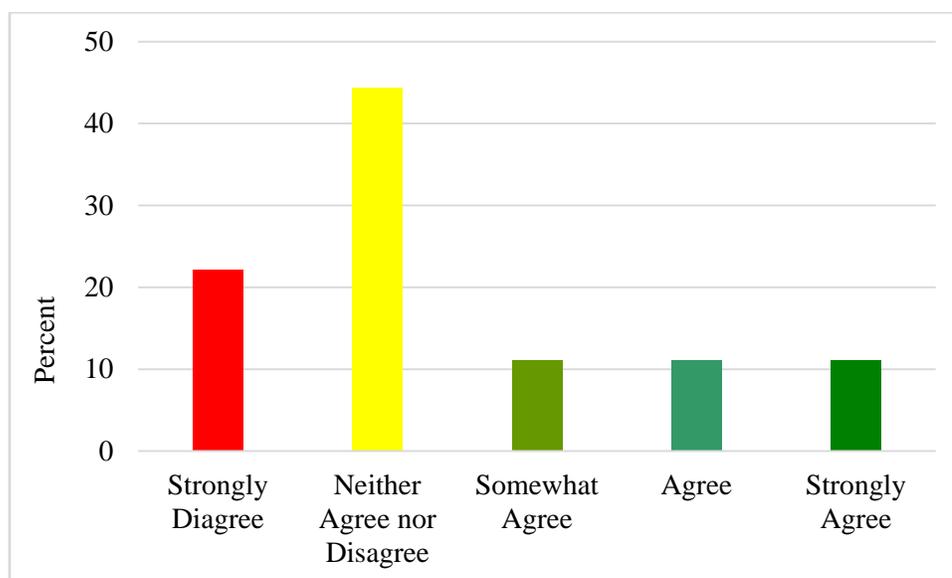


Figure 16. Percentage of survey responses for SPR5: "Information in a student education record can be changed by the parent or student (if over 18)." Possible responses ranged from strongly disagree to strongly agree. A total of nine respondents participated.

SPR6. Question six in the Student/Parent Rights section had the site administrators respond to the following: "A parent or student (if over 18) can prevent the release of directory information." The mean rating was 5.1 on a scale from one (strongly disagree) to seven (strongly agree). Three of the nine site administrators chose neither agree nor disagree for this question. Figure 17 shows the percentage of responses for SPR6.

Similar to previous questions, School District XYZ has not provided any training on FERPA, which is reflected in the range of responses. The high response of neither agree nor disagree shows that the site administrators either do not know or are unsure of how to respond to this question. Not having received training on FERPA reflects in the way the site administrators responded to this question. If School District XYZ provided in-depth training on FERPA, the

site administrators would know if a parent or student, if over 18 years of age, can prevent the release of directory information.

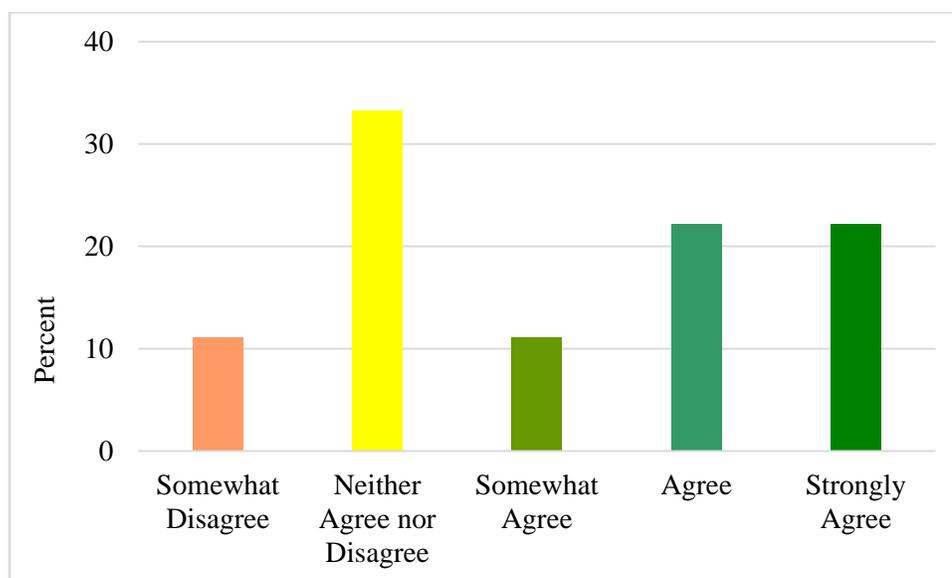


Figure 17. Percentage of survey responses for SPR6: "A parent or student (if over 18) can prevent the release of directory information." Possible responses ranged from somewhat disagree to strongly agree. A total of nine respondents participated.

Summary of Student/Parent Rights Survey Section

Table 6

Summary of Student/Parent Rights Survey Section

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
SPR1	0	0	0	0	11.1	55.6	33.3
SPR3	0	22.2	11.1	33.3	0	11.1	22.2
SPR4	33.3	22.2	11.1	0	33.3	0	0
SPR5	22.2	0	0	44.4	11.1	11.1	11.1
SPR6	0	0	11.1	33.3	11.1	22.2	22.2

The Student/Parent Rights survey section had the site administrators respond to six questions, five of which related to research question one. Table 6 shows the questions from the Student/Parent Rights survey section and the percentage of overall responses from the site administrators.

To reiterate, the questions that the site administrators were asked to respond to were: (SPR1) “The issue of a student’s right to privacy as defined by FERPA is important.”; (SPR3) “Parents are notified annually of their rights under FERPA.”; (SPR4) “I have received FERPA training related to student/parent rights.”; (SPR5) “Information in a student education record can be changed by the parent or student (if over 18).”; and (SPR6) “A parent or student (if over 18) can prevent the release of directory information.”

Similar to the Knowledge of FERPA and Student Data survey section, School District XYZ needs to make FERPA a high priority and provide in-depth FERPA training. Three of the five questions had a high percentage of responses for neither agree nor disagree, which supports the need for School District XYZ to make FERPA a high priority and to provide an in-depth FERPA training. With the site administrators selecting neither agree nor disagree for those three questions, it shows that they either do not know or are unsure of how to respond to the questions. One approach to alleviating the uncertainty is to provide the site administrators with an in-depth FERPA training, which needs to come from School District XYZ.

Research Question Two

The second research question was: How do site administrators effect change and implement FERPA after receiving training? Descriptive statistics from the results of the pre- and post-test were analyzed to determine if the site administrators performed better on the post-test after having received training provided by the researcher. The site administrators were given the

pre-test before receiving training provided by the researcher. Immediately after the training, the site administrators were given the post-test. The pre- and post-test included the same ten questions with five being true or false and the other five being multiple-choice. The mean (M) ratings and standard deviations (SD) from the pre-test and post-test are displayed below in Table 7. Each of the data items are discussed in more detail in this section.

Table 7

Pre-Test and Post-Test Results - Mean and Standard Deviation

Variable	Pre-Test		Post-Test	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Question 1	.90	.316	1.00	.000
Question 2	.80	.422	1.00	.000
Question 3	1.00	.000	.90	.316
Question 4	.80	.422	1.00	.000
Question 5	.80	.422	.80	.422
Question 6	.30	.483	1.00	.000
Question 7	.60	.516	1.00	.000
Question 8	.90	.316	1.00	.000
Question 9	.30	.483	.50	.527
Question 10	.44	.527	.70	.483
Raw Score	6.70	1.64	8.80	.919

Question one. Question one had the site administrators respond true or false to the following: “Teachers may post grades and test results by student name or student ID.” The mean ratings were .90 for the pre-test and 1.00 for the post-test. Ten of the site administrators

responded with all ten selecting false for the post-test. Figure 18 illustrates the percentage of true-false responses between the pre- and post-test with false being the correct answer.

The high percentage of site administrators that responded with false on the pre-test shows that they already knew that student grades are not to be posted by student name or student ID before receiving the training. Knowing that most of the site administrators responded correctly during the pre-test administration, this question might need to be removed from future studies. Since site administrators already know how student work should be posted, the training should focus on components the site administrators do not know.

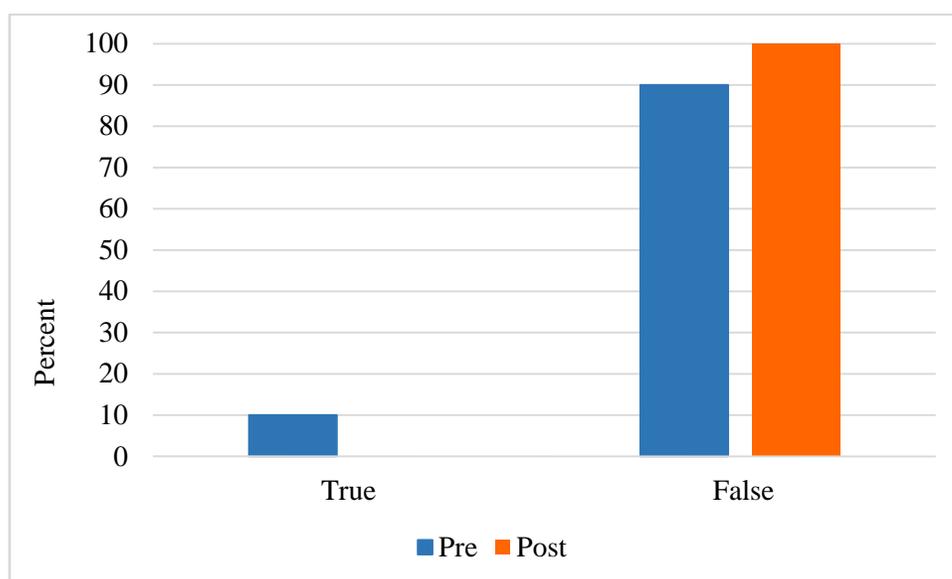


Figure 18. Percentage of pre- and post-test responses for question one: "Teachers may post grades and test results by student name or student ID." Possible responses ranged from true to false. A total of ten respondents participated.

Question two. Question two had the site administrators respond true or false to the following: "In a legal separation or divorce situation, biological parents have equal standing as custodial parents to gain access to the student's education record." The mean ratings were .80 for the pre-test and 1.00 for the post-test. Ten site administrators responded with all ten selecting

true for the post-test. Figure 19 illustrates the percentage of true-false responses between the pre- and post-test with true being the correct answer.

The high percentage of site administrators that responded with true on the pre-test shows that they already knew that biological and custodial parents have equal standing to gain access to student education records before receiving the training. Knowing that most of the site administrators responded correctly during the pre-test administration, this question might need to be removed from future studies.

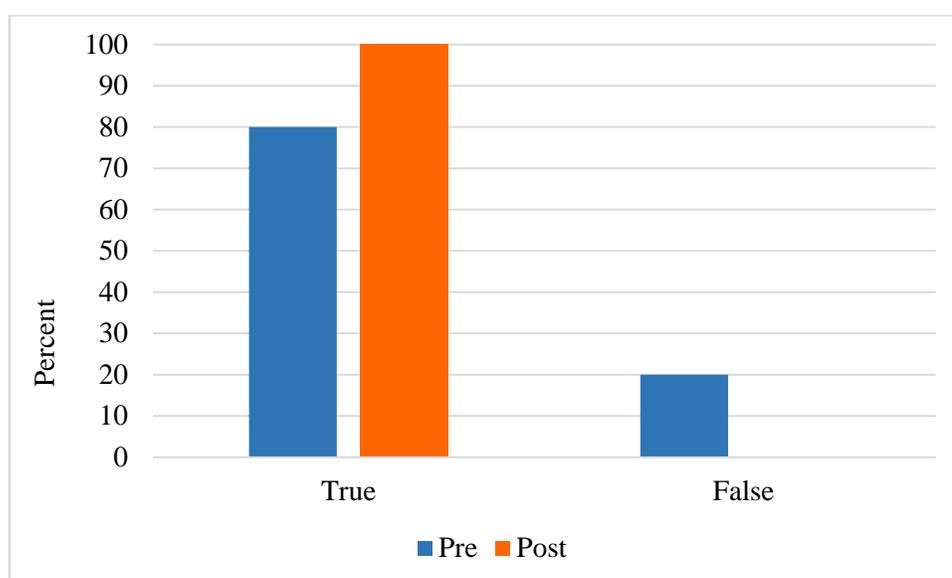


Figure 19. Percentage of pre- and post-test responses for question two: "In a legal separation or divorce situation, biological parents have equal standing as custodial parents to gain access to the student's education record." Possible responses ranged from true to false. A total of ten respondents participated.

Question three. Question three had the site administrators respond true or false to the following: "A student's social security number (SSN) could be verified to a caller who received a document with the student's SSN on it." The mean ratings were 1.00 for the pre-test and .90 for the post-test. Ten of the site administrators responded to the true or false question with nine selecting false while one selected true for the post-test. Figure 20 illustrates the percentage of true-false responses between the pre- and post-test with false being the correct answer.

For the pre-test and post-test administration, the majority of site administrators answered the question correctly. The researcher needs to review the training to determine why the post-test mean rating decreased from the pre-test mean rating.

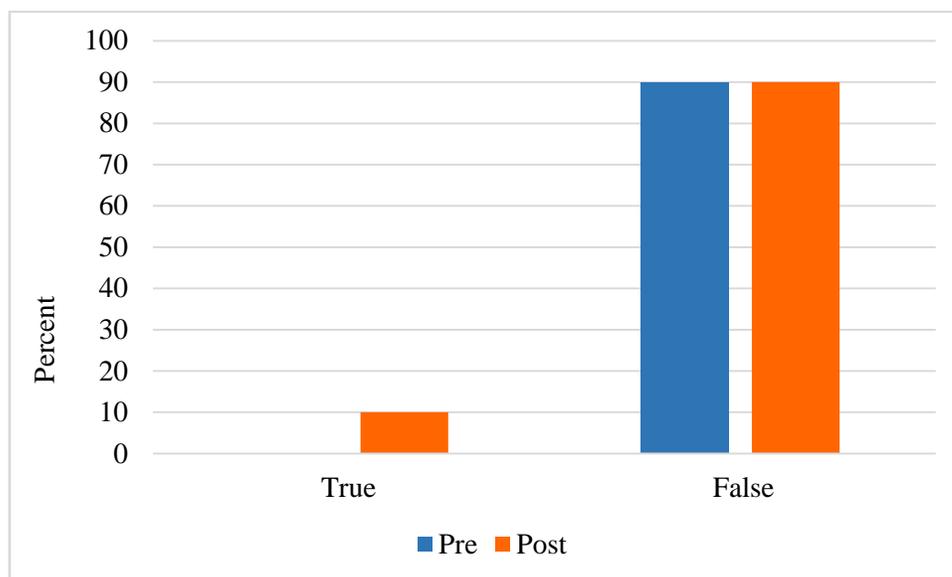


Figure 20. Percentage of pre- and post-test responses for question three: "A student's social security number (SSN) could be verified to a caller who received a document with the student's SSN on it." Possible responses ranged from true to false. A total of ten respondents participated.

Question four. Question four had the site administrators respond true or false to the following: "A school must give its parents the opportunity to withhold the release of any or all designated items of directory information." The mean ratings were .80 for the pre-test and 1.00 for the post-test. All ten site administrators responded to this question with all ten selecting true for the post-test. Figure 21 illustrates the percentage of true-false responses between the pre- and post-test with true being the correct answer.

The mean rating increased from the pre-test to the post-test by 20%. Reasons for the increase could either be the training that was provided by the researcher or the site administrators already knew the answer.

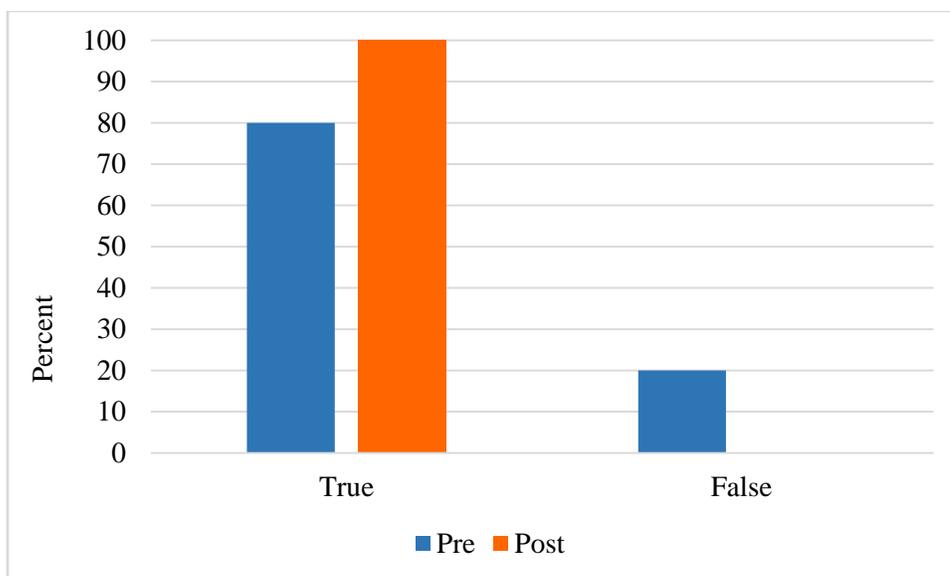


Figure 21. Percentage of pre- and post-test responses for question four: "A school must give its parents the opportunity to withhold the release of any or all designated items of directory information." Possible responses ranged from true to false. A total of ten respondents participated.

Question five. Question five had the site administrators respond true or false to the following: "A school must release any information identified as directory information by the school to anyone upon request." The mean ratings were .80 for the pre-test and .80 for the post-test. All ten site administrators responded to this true or false question. Figure 22 illustrates the percentage of true-false responses between the pre- and post-test with false being the correct answer.

There was no change in the mean rating from the pre-test to the post-test. The researcher needs to review the training to make sure this point is emphasized in the presentation.

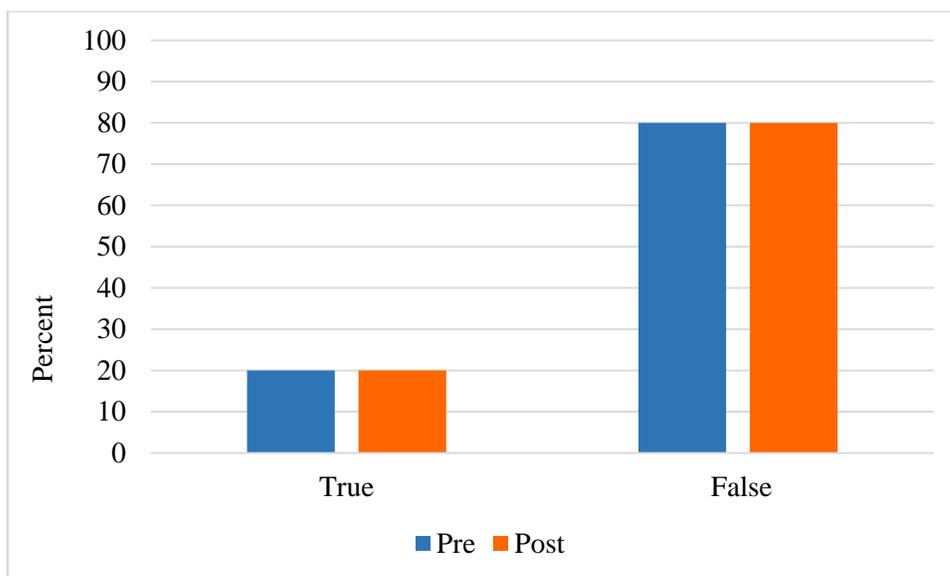


Figure 22. Percentage of pre- and post-test responses for question five: "A school must release any information identified as directory information by the school to anyone upon request." Possible responses ranged from true to false. A total of ten respondents participated.

Question six. Question six had the site administrators respond to a multiple-choice question: "A school must permit a parent to review their child's records within how many days from the day the parent requests the review?" The mean ratings were .30 for the pre-test and 1.00 for the post-test. The ten site administrators responded to this question with all ten answering correctly on the post-test. Figure 23 illustrates the percentage of multiple-choice responses between the pre- and post-test with E being the correct answer.

For the pre-test, the majority of site administrators responded to the question with letter A: 10 days. After having received training, all of the site administrators responded correctly with letter E: none of these. During the training, the site administrators were told that a school must permit a parent to review their child's records within 45 days of the initial request.

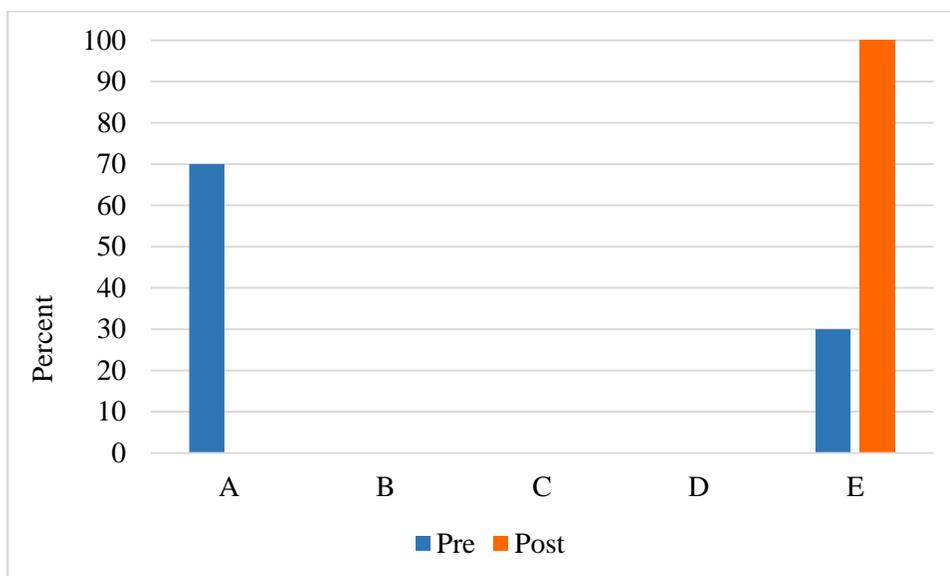


Figure 23. Percentage of pre- and post-test responses for question six: "A school must permit a parent to review their child's records within how many days from the day the parent requests the review?" Possible responses ranged from A to E. A total of ten respondents participated.

Question seven. Question seven had the site administrators respond to a multiple-choice question: "Legitimate educational interest refers to:" The mean ratings were .60 for the pre-test and 1.00 for the post-test. All ten site administrators responded to this question with all of them answering correctly on the post-test. Figure 24 illustrates the percentage of multiple-choice responses between the pre- and post-test with A being the correct answer.

For the pre-test, each answer was selected by at least each one of the site administrators with the majority selecting letter A: a school official's need to review a student's education record to perform his/her job duties. The other possible responses were: letter B: a parent's right to review their child's education records, letter C: the need to provide education records in child custody cases, and letter D: the delegation of authority to the Board to determine educational records policy for the institution. After having received training, all of the site administrators responded correctly with letter A.

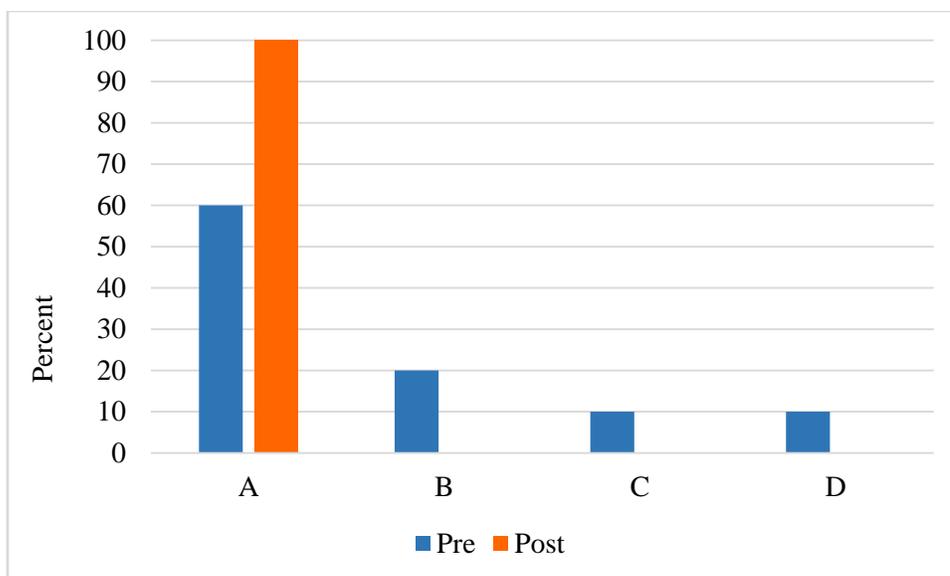


Figure 24. Percentage of pre- and post-test responses for question seven: "Legitimate educational interest refers to:" Possible responses ranged from A to D. A total of ten respondents participated.

Question eight. Question eight had the site administrators respond to a multiple-choice question: "Which of the following would not be acceptable under FERPA?" The mean ratings were .90 for the pre-test and 1.00 for the post-test. The ten site administrators responded and answered correctly on the post-test. Figure 25 illustrates the percentage of multiple-choice responses between the pre- and post-test with D being the correct answer.

For the pre-test, the majority of site administrators responded to the question with letter D: a teacher announcing to the class that after school they can pick up their graded papers on the chair outside of the door while one responded with letter A: releasing the title of the Superintendent's degree to the newspaper. After having received training, all of the site administrators responded correctly with letter D.

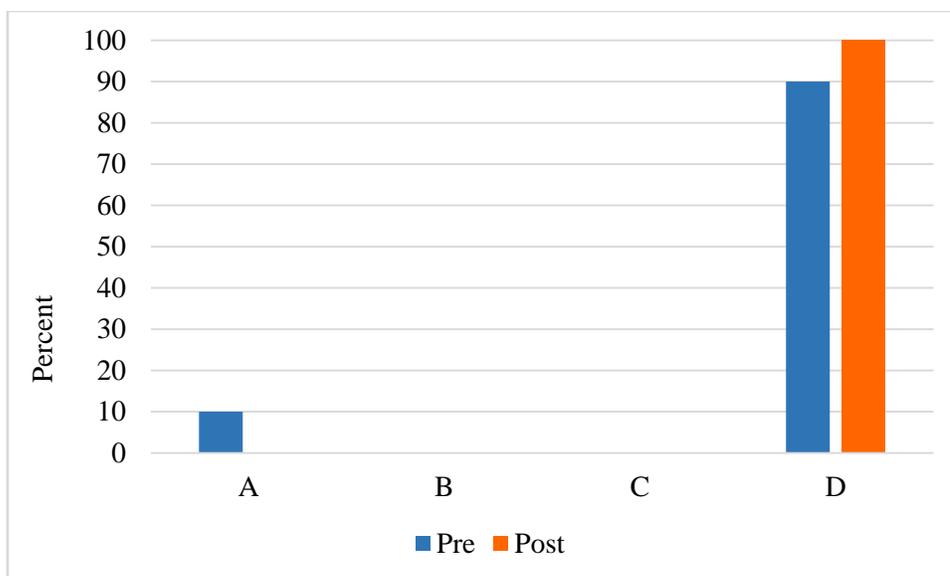


Figure 25. Percentage of pre- and post-test responses for question eight: "Which of the following would not be acceptable under FERPA?" Possible responses ranged from A to D. A total of ten respondents participated.

Question nine. Question nine had the site administrators respond to a multiple-choice question: "To be an education record, a piece of information must be:" The mean ratings were .30 for the pre-test and .50 for the post-test. Even though all ten site administrators responded to the question, only five of them responded correctly on the post-test. Figure 26 illustrates the percentage of multiple-choice responses between the pre- and post-test with E being the correct answer.

For the pre-test, three answers were selected by the site administrators, which were letter C: kept in the cumulative records file cabinet, letter E: a and b only, and letter F: a, b, c only. For question nine, letter A was personally identifiable to the student, and letter B was maintained by the school. While the mean rating did increase from the pre-test to the post-test, half of the site administrators still responded incorrectly to the question. The researcher needs to review the training presentation to make sure this piece of information is emphasized.

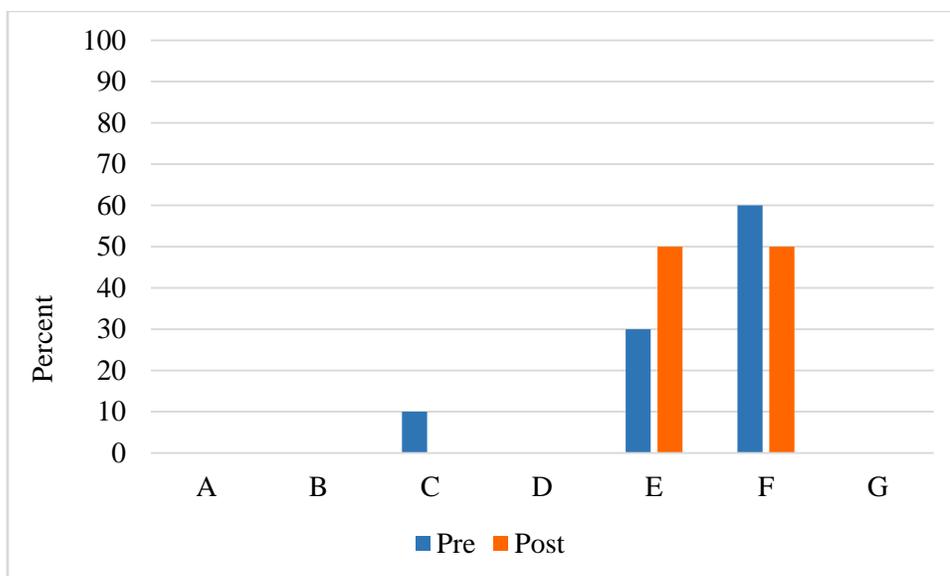


Figure 26. Percentage of pre- and post-test responses for question nine: "To be an education record, a piece of information must be:" Possible responses ranged from A to G. A total of ten respondents participated.

Question ten. Question ten had the site administrators respond to a multiple-choice question: "Which of the following is not a parent's right under FERPA?" The mean ratings were .44 for the pre-test and .70 for the post-test. Even though all ten site administrators responded to the question, only seven of them responded correctly on the post-test. Figure 27 illustrates the percentage of multiple-choice responses between the pre- and post-test with A being the correct answer.

For the pre-test, three answers were selected by the site administrators, which were letter A: the right to request that the school discontinue the use of the social security number as a personal identifier, letter B: the right to limit disclosure of directory information, and letter C: the right to request an amendment to their child's education record. While the mean rating did increase from the pre-test to the post-test, three site administrators still chose letter B as their answer to the post-test question. The researcher needs to review the training presentation to make sure this piece of information is emphasized.

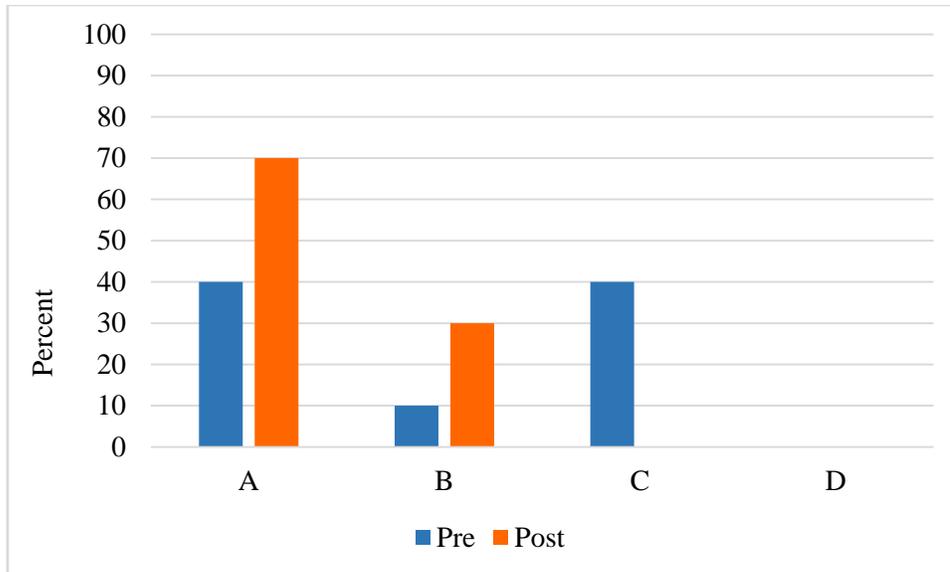


Figure 27. Percentage of pre- and post-test responses for question ten: "Which of the following is not a parent's right under FERPA?" Possible responses ranged from A to D. A total of ten respondents participated.

Comparing raw scores. Figure 28 illustrates the percentage of scores from the pre-test raw score to the post-test raw score. The possible range of raw scores was from zero to ten. The mean rating of the pre-test raw score was 6.7, and the mean rating increased to 8.8 on the post-test raw score (see Table 7). Overall, the site administrators performed better on the post-test. The increase in this rating was significant, $t(9) = -4.358, p < .05$ (see Table 8).

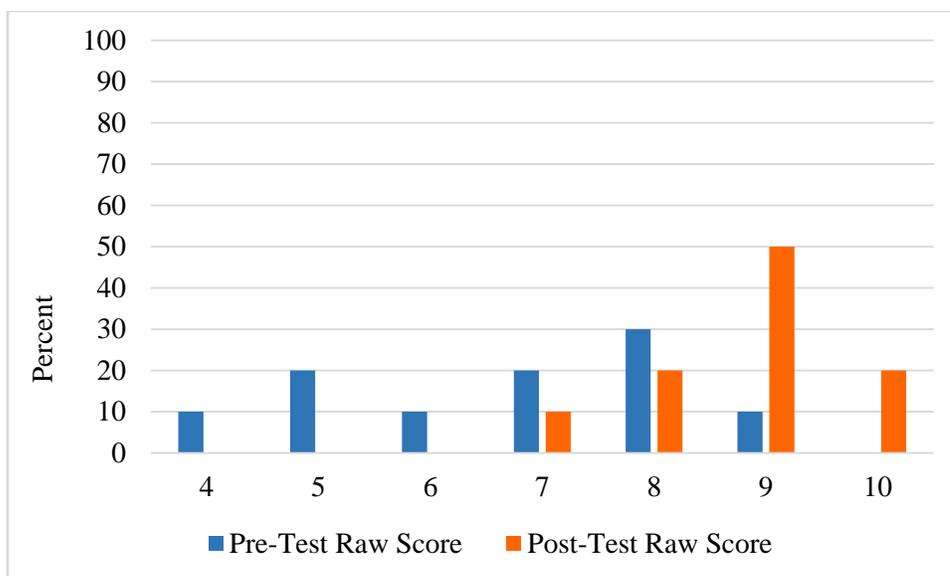


Figure 28. Percentage of raw scores from the pre-test to the post-test. A total of ten respondents participated.

Table 8

t-test Results for Raw Score Pre-Test and Post-Test Administration Comparison

Variable	Pre-Test		Post-Test		t-value	prob
	M	SD	M	SD		
Raw Score	6.70	1.64	8.80	.919	-4.358	$p < .05$

Research Question Three

The third research question was: How are students' rights protected when staff members talk to one another? Descriptive statistics from the site administrators' responses to the survey were analyzed to gain a better insight of the site administrators' understanding of FERPA. The following questions from the survey were analyzed: question four in the section titled, Student Data (SD) and question two from the section titled, Student/Parent Rights (SPR).

The site administrators were given the survey before the training. They were told to read each question and select one response option on a 7-point Likert Scale: Strongly Disagree (1),

Disagree (2), Somewhat Disagree (3), Neither Agree nor Disagree (4), Somewhat Agree (5), Agree (6) and Strongly Agree (7). The possible distribution of responses ranged from one – Strongly Disagree to seven – Strongly Agree. The mean (M) ratings and standard deviations (SD) from the survey questions are displayed below in Table 9. The maximum mean rating for each question was 7.0. Each of the data items are discussed in more detail in this section.

Table 9

Survey Results for Student Data and Student/Parent Rights - Mean and Standard Deviation

Variable	M	SD
SD4	3.30	1.42
SPR2	4.11	1.27

SD4. Question four in the Student Data section had the site administrators respond to the following: “I know my staff (teachers and support staff) has been trained on how to discuss student data with other staff members.” The mean rating was 3.3 on a scale from one (strongly disagree) to seven (strongly agree). Four of the ten site administrators disagree that their staff has been trained on how to discuss student data with other staff members. This question provided a range of responses from the site administrators. Figure 29 shows the percentage of responses for SD4.

Similar to previous questions, the range of responses for question SD4 reflects staff not having received FERPA training to properly understand how to discuss student data with other staff members. If School District XYZ provided in-depth FERPA training and made FERPA a high priority, all of the site administrators would know that their staff has been trained on how to discuss student data with other staff members.

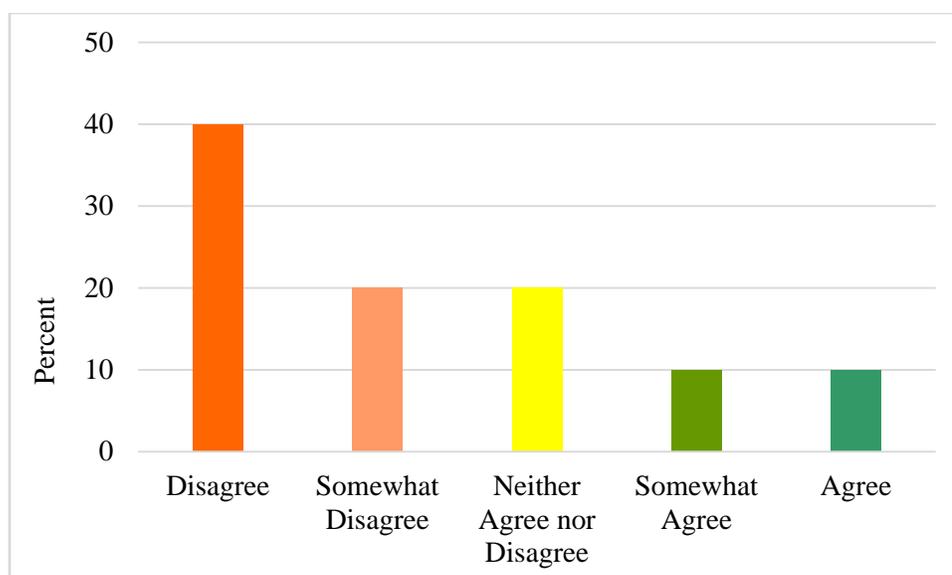


Figure 29. Percentage of survey responses for SD4: "I know my staff (teachers and support staff) has been trained on how to discuss student data with other staff members." Possible responses ranged from disagree to agree. A total of ten respondents participated.

Summary of Student Data Survey Section

Table 10

Summary of Student Data Survey Section

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
SD4	0	40	20	20	10	10	0

The Student Data survey section had the site administrators respond to five questions, one of which related to research question three. Table 10 shows the question from the Student Data survey section and the percentage of overall responses from the site administrators.

To reiterate, the question that the site administrators were asked to respond to was: (SD4) “I know my staff (teachers and support staff) has been trained on how to discuss student data with other staff members.”

Similar to the previous summary of the Student Data survey section, School District XYZ needs to make FERPA a high priority and provide an in-depth FERPA training. If the site administrators could receive an in-depth FERPA training, they would properly understand how their staff can discuss student data with other staff members.

SPR2. Question two in the Student/Parent Rights section had the site administrators respond to the following: “I feel that 100% of my students’ rights are protected according to FERPA.” The mean rating was 4.1 on a scale from one (strongly disagree) to seven (strongly agree). Three of the nine site administrators selected somewhat agree. This question provided a range of responses from the site administrators. Figure 30 shows the percentage of responses for SPR2.

Similar to previous questions, the range of responses shows that if the site administrators knew that FERPA was a high priority, as implemented by School District XYZ, they would all agree that their students’ rights are 100% protected. The range of responses to this question is upsetting because it shows that not all of the students have their rights 100% protected. The researcher is concerned that the site administrators were unable to respond positively to this question, which again shows that FERPA is not considered a high priority for School District XYZ.

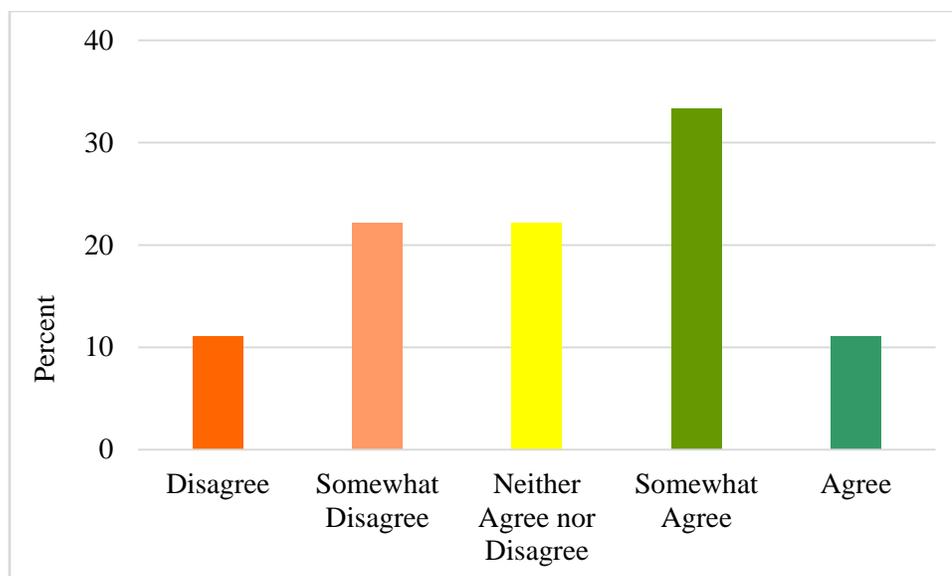


Figure 30. Percentage of survey responses for SPR2: "I feel that 100% of my students' rights are protected according to FERPA." Possible responses ranged from disagree to agree. A total of nine respondents participated.

Summary of Student/Parent Rights Survey Section

Table 11

Summary of Student/Parent Rights Survey Section

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
SPR2	0	11.1	22.2	22.2	33.3	11.1	0

The Student/Parent Rights survey section had the site administrators respond to six questions, one of which related to research question three. Table 11 shows the questions from the Student/Parent Rights survey section and the percentage of overall responses from the site administrators.

To reiterate, the question that the site administrators were asked to respond to was: (SPR2) “I feel that 100% of my students’ rights are protected according to FERPA.”

Similar to the previous summary of the Student/Parent Rights survey section, School District XYZ needs to make FERPA a high priority and provide an in-depth FERPA training. If the site administrators could receive an in-depth FERPA training, they would all agree that their students’ rights are 100% protected.

Qualitative Data Analysis

Research Question One

The first research question was: How do school personnel ensure compliance of FERPA practices? How do site administrators and teachers ensure compliance with their level of understanding of FERPA practices? Qualitative procedures were applied to the interview questions that were presented to the classroom teachers regarding student confidentiality and the pre-test open-ended question that was given to the site administrators. The following interview questions, questions one to two-a, five, and eight, were reviewed and coded for major themes. The themes for each question are discussed in more detail in this section.

Pre-Test. In addition to completing the pre-test questions, the site administrators responded to an open-ended question: “How do school personnel implement FERPA?” The responses were read and reviewed to find major themes. The major themes that emerged were (a) procedures, (b) student confidentiality, and (c) student education records.

The site administrators were directed to respond to the pre-test open-ended question on how school personnel implements FERPA. Site Administrator 9 wrote, “By maintaining accurate records; keeping private specific aspects such as discipline and counseling. Parents are notified annually of their rights as distributed in the annual Parent Handbook.” Even though site

administrators have not been trained on FERPA, they are acutely aware of how to maintain student confidentiality.

Interview questions. Teachers were presented with nine questions during their interview. Questions one to two-a, five, and eight were based on student confidentiality, which is aligned to research question one. The responses were read and reviewed to find major themes. The major themes that emerged were (a) defining protocol and procedures, (b) defining rules for posting student work, (c) student education records, and (d) security measures.

Teachers were asked questions regarding student confidentiality such as: (1) how they protect student confidentiality, (2) how they think site administrators protect student confidentiality, (3) how they think district administrators protect student confidentiality, (4) what they need as far as more support in the area of student confidentiality, and (5) if they had anything in their classroom that might reveal confidential student information. Responses varied for each question.

All in all, teachers protect their students and their confidentiality. Protecting students and their confidentiality were evident especially with one of the teacher's responses where they make sure that if something private needs to be discussed that they are in a private room with the parents.

The teachers were asked to respond on how they think site administrators protect student confidentiality. Teacher 5 from School DEF responded, "By only sharing information with the appropriate parties." Teachers are aware that their site administrators also work on protecting student confidentiality.

The teachers were also asked to respond to how they think district administrators protect student confidentiality. Five of the twelve teachers did not know how district administrators

protect student confidentiality while the others provided various responses. Teacher 2 from School DEF stated, “The district does not release individual student names to the public. They report by groups or general terms.”

The teachers were given an opportunity to ask about any additional support they might need within the area of student confidentiality. Every teacher asked for additional support in that area. Teacher 6 from School ABC responded,

Being more clear on any rules or procedures as far as wanting to post something that has to do with benchmarks or district data like how clear can it be or how open can I be with putting up a graph in the classroom because you do have parents coming in and out and others that it will be too clear for them to see.

Eight of the twelve teachers responded that they do not have anything in their classroom that would reveal confidential student information. The other four teachers had various responses to the question. A couple of teachers did state that they have AR (Accelerated Reader) scores and a data wall posted.

Research Question Two

The second research question was: How do site administrators effect change and implement FERPA after receiving training? Qualitative procedures were applied to the post-test open-ended question that was given to the site administrators. The question was reviewed and coded for major themes. The themes for the post-test open-ended question is discussed in more detail in this section.

Post-Test. In addition to completing the post-test questions, the site administrators responded to an open-ended question: “Now that you have received training, what would you do

differently to ensure that FERPA is being enforced?” The responses were read and reviewed to find major themes. The major themes that emerged were (a) compliance and (b) training.

The site administrators were directed to respond to the post-test open-ended question on what they would do differently to enforce FERPA now that they have been trained. Based on their responses, the site administrators will be implementing new procedures to enforce FERPA. Site Administrator 5 stated, “Train staff regarding compliance to FERPA. Review present site practices to ensure compliance to FERPA. Adhere to district directives regarding compliance to FERPA.” Site Administrator 6 replied, “I will need to be more diligent about how we, as a school, post student information (i.e., class lists, achievement charts, etc.).” Even though the ten site administrators that attended the training provided by the researcher are more knowledgeable on how to enforce FERPA, the lack of site administrators that did not attend the training shows that since FERPA is not a high priority with School District XYZ, it is not a priority with them. School District XYZ needs to make FERPA a high priority so that all site administrators will know how to enforce FERPA.

Research Question Three

The third research question was: How are students’ rights protected when staff members talk to one another? Qualitative procedures were applied to the interview questions that were presented to the classroom teachers regarding posting and discussing student data and results as well as implemented policies. The following interview questions, questions three to four, were reviewed and coded for major themes. The themes for each question are discussed in more detail in this section.

Interview questions. Teachers were presented with nine questions during their interview. Questions three to four were based on posting and discussing student data and results

as well as the implemented policies, which is aligned to research question three. The responses were read and reviewed to find major themes. The major themes that emerged were (a) posting and discussing student data without names, (b) do not post student data, and (c) individual conversations with students.

Teachers were asked questions regarding posting and discussing student data and results as well as implemented policies such as: (1) how they post/discuss student data/results with their students, (2) how they post/discuss student data/results with their colleagues, and (3) what policies are implemented when student data/results are posted. Responses varied for each question.

Each teacher posts/discusses student data/results with their students in a different manner. Teacher 6 from School ABC reported,

With the students, I make individual copies of anything that is online and make sure their name is printed clearly. I provide it for them and have a separate folder for them, and I ask them to share it with their parents. I explain that it is private information and that it is nothing that they want to share or explain to a neighbor if I give it out during class.

The teachers were asked to respond on how they post/discuss student data/results with their colleagues. Teacher 5 from School ABC explained, “We look more at general trends, not specific students. We look at the standards and see which ones are strong and weak as far as our personal teaching, so it is not specific to the kids.”

The teachers were also asked to respond to what policies they implement when posting student data/results. Most of the teachers responded that they do not post anything as supported by Teacher 6 from School ABC’s response, “In the classroom, I do not really post anything. I

give individual graphs to the students, so they see their individual goals and grades, but it is not posted in the classroom.”

Additional Qualitative Analysis

The teachers were asked to respond to a few interview questions that were pertinent to the study to add substance to the qualitative analysis. Interview questions six to seven addressed FERPA while question nine had the teachers ask any additional questions they might have on FERPA. Each of the responses was reviewed and coded for major themes. The themes for each question are discussed in more detail in this section.

Interview questions six to seven. The responses were read and reviewed to find major themes. The major themes that emerged were (a) protecting student confidentiality, (b) have not been trained on FERPA, and (c) not sure about FERPA.

Teachers were asked questions regarding FERPA such as: (1) how they think FERPA applies to the classroom (2) how they think FERPA applies as a teacher, and (3) if they have been trained on FERPA. Responses varied for each question.

Five of the twelve teachers did not know how FERPA applied to the classroom. The others responded on how they think FERPA applies to the classroom. Teacher 5 from School DEF responded to the question by saying, “Obviously, I want to protect my students’ privacy. I do not put names on the board, and I do not post names on charts or data results.”

The teachers were asked to respond on how they think FERPA applies as a teacher. Three of the twelve teachers were not aware of how FERPA applies as a teacher while the other nine responded to the question. Teacher 4 from School DEF mentioned, “I have a responsibility to protect student confidentiality.”

The teachers were also asked to respond on if they have been trained on FERPA. All twelve teachers responded that they had not been trained on FERPA. Once more this shows that School District XYZ needs to make FERPA training a high priority so that all employees know FERPA and how it needs to be enforced.

Interview question nine. Teachers were asked if they had any additional questions or thoughts about FERPA. Nine of the twelve teachers did not have any additional questions or thoughts about FERPA. Three of the teachers did have an additional question or thought, which were: (a) “I need more information on FERPA.” (b) “What are the students’ rights?” and (c) “This is a good reminder of how important student confidentiality is.”

Summary of Qualitative Data Analysis

Similar to the site administrators, teachers also need to be trained on FERPA. All of the twelve teachers that were interviewed responded that they have never been trained on FERPA. Not being trained on FERPA was evident in their responses to student confidentiality and privacy. Four of the twelve teachers stated they have material that might reveal confidential student information. To that end, FERPA training needs to be a high priority for School District XYZ so that all employees have a better understanding of FERPA and how it needs to be enforced.

Implications for Practice

The researcher believes there are a couple of implications of the current research study. The results and summary of the findings contained in the research study (a) support the need for School District XYZ to make FERPA training a high priority and (b) emphasize the importance of student confidentiality and privacy by providing training. Both points are explained in more detail in this section.

As addressed in several of the survey and interview questions, it was evident that FERPA is not a high priority in School District XYZ. The school district needs to review its priorities so that FERPA is one of the highest. By making FERPA a high priority, all employees will be able to implement FERPA and enforce its laws. FERPA should be made a high priority so that all employees understand the repercussions if FERPA is not followed. If FERPA is not followed and a complaint has been brought forth, the school district could risk losing their federal funds.

In addition to making FERPA a high priority, School District XYZ needs to provide training to its employees especially the site administrators. Even the U.S. Department of Education encourages that educational institutions have a process in place to offer training (Cantrell, 2016).

When the site administrators were asked questions on the survey related to FERPA training, the majority responded with not having been trained. For survey question KF1, participating in trainings where FERPA was the main topic, nine out of ten site administrators responded that they had not been trained on FERPA. Survey question KF5 asked the site administrators if their staff had been trained on FERPA. Nine out of ten responded that their staff had not been trained on FERPA. Six out of nine site administrators have not received training related to student/parent rights as shown in survey question SPR4. The site administrators were asked to respond if their staff had been trained on how to discuss student data with other staff members, as shown in survey question SD4, with six out of ten responding that their staff had not been trained.

The teachers were asked a few questions about FERPA during their interview. Five of the twelve teachers did not know how FERPA applies in the classroom while all twelve have never been trained on FERPA. Even with not being trained, nine of the twelve teachers were not

able to think of any additional questions they might have on FERPA, which could mean they did not know what kind of questions to ask.

School District XYZ needs to provide FERPA training to its site administrators so that they can provide training to their site staff. The school district needs to make sure the site administrators do the following: (a) read and learn about FERPA, (b) familiarize themselves with the U.S. Department of Education's website, (c) learn from colleagues who have experience with FERPA, and (d) attend FERPA seminars (Cantrell, 2013). As with other laws, FERPA can be fluid, so it is essential to stay abreast of changes and amendments (Sorenson & Chapman, 1985).

School District XYZ needs to emphasize the importance of student confidentiality and privacy by providing training. Although the site administrators and teachers were able to respond to the importance of student confidentiality and privacy, there are still concerns that it is not being upheld.

As addressed in several of the survey and interview questions, it was evident that student confidentiality and privacy is important, but some responses still show that it is not being upheld. Student confidentiality and privacy extend to more than information in an education record it also encompasses posting student data/results and discussing students with other staff members. Student privacy is the utmost concern of any educational institution as it protects a student's dignity (Narayan et al., 2013).

When the site administrators were asked questions on the survey related to student confidentiality and privacy, the majority responded in agreement on maintaining and protecting student confidentiality and privacy. For survey question SD1, maintaining the confidentiality of student data is a high priority at my school, eight out of ten site administrators responded that it is a high priority. Survey question SD5 asked the site administrators if teachers may post student

grades publicly by the student's last name or student ID. Nine out of ten responded that teachers may not publicly post student grades by their last name or student ID. Eight out of nine site administrators agree that a student's right to privacy is important as shown in survey question SPR1. The site administrators were asked to respond if their students' rights are protected according to FERPA, as shown in survey question SPR2, with the nine site administrators responding differently. Out of the nine site administrators, two were unsure, four agreed, and three disagreed that their students' rights are protected according to FERPA.

The teachers were asked a few questions about student confidentiality and privacy during their interview. Ten of the twelve teachers stated they do not post any student data/results while eight of the twelve teachers stated they do not have anything in their classroom that would reveal confidential student information. The other four teachers stated they did have material that might reveal confidential student information such as AR (Accelerated Reader) scores and data walls. The discrepancy in the responses shows that training needs to be provided for student confidentiality and privacy. The teachers maintain student confidentiality and privacy as best as they can without having been properly trained as corroborated by Teacher 3 from School DEF's response, "I ask students first if they would like to share their work, grade, etc. I ask for verbal consent from the student." Students do not decide if their data/results should be posted. Teachers must still ensure the privacy of their students when it comes to posting student data/results. Student's test results and records of accomplishments are considered private (California Education Code § 60607 [c-1]).

School District XYZ needs to enforce student confidentiality and privacy by providing adequate training to their employees. It is the responsibility of the educational institution to provide FERPA training and make sure that complying with FERPA is taken seriously (Cantrell,

2016). Enforcing student confidentiality and privacy needs to involve every employee, and they need to know that it must be taken seriously. If School District XYZ does not make FERPA a high priority, then its employees will not either. To make sure that every employee understands FERPA and its importance, School District XYZ needs to provide an in-depth FERPA training. As Cantrell (2013) states, “once adequate training is provided, individuals can make educational decisions using the information provided, and it will become an automatic habit to be diligent and protective when sensitive student information and privacy are involved” (pp. 61-62).

Recommendations for Further Research

The current study was focused on ensuring and enforcing the compliance of FERPA from one of the largest public school districts in California and Orange County. The study was set up to involve teachers from two selected schools within the district and all site administrators. Only ten site administrators attended the FERPA training even though all site administrators were invited to participate. All teachers from the selected schools were invited to participate, but only twelve expressed interest.

The researcher believes the lack of site administrators that attended the training is due to a couple of factors: (1) School District XYZ’s low priority on FERPA and (2) site administrators being unable to leave their campus because of other issues such as discipline, meetings, administering assessments, or other priorities set forth by School District XYZ. To replicate this study in the future, the researcher plans to meet with School District XYZ’s district leadership team to discuss the importance of FERPA and making it a high priority. Since many site administrators find it difficult to leave their campus, the researcher will recommend providing the training through different methods such as a webinar where it can be archived and viewed at a later date.

The researcher will provide the site administrators with the *FERPA Training Toolkit* (see Figure 1) so that it can be used to train the staff at their site. The *FERPA Training Toolkit*, created by the researcher, includes a FERPA survey (see Appendix B), a pre- and post-test about FERPA (see Appendix B), professional development training to address FERPA and its regulations (see Appendix F), a training manual that can be used by the administrators before they provide the training to their staff (see Appendix G), a checklist for classroom walkthroughs that can be used as a guide to ensure that teachers are enforcing FERPA (see Appendix H), and steps to protect the security and confidentiality of students (see Appendix I).

The researcher believes that if School District XYZ makes FERPA a high priority site administrators and teachers would be more willing to participate in future studies. FERPA needs to be made a high priority because it is a federal law, and the school district could risk losing their federal funding if a complaint was brought forth for not following FERPA. To show School District XYZ and its leadership team how important FERPA is and to make it a high priority, a stronger study with a statistically significant analysis needs to be presented. One approach would be to have more participants be involved in the study so that data can be analyzed using different statistical methods.

Conclusion

The purpose of this study was to determine if site administrators and teachers know how to enforce FERPA. Since the researcher works for School District XYZ, the researcher understands how important it is that FERPA is implemented and enforced. Before FERPA can be enforced, site administrators and teachers need to be adequately trained. Educational institutions and its administrators need to receive the proper training on how to abide by FERPA law and understand the repercussions if FERPA is violated (Cantrell, 2016).

The researcher did provide training, but there was a low representation of participants, site administrators and teachers. The low representation could be attributed to a few reasons such as competing priorities, not being available at the time training was offered, or offering different modes of training. Site administrators are extremely busy overseeing their school site. They are responsible for including, but not limited to, discipline, evaluations, creating staff development opportunities for their staff, and talking with parents. In addition, they have to follow the priorities that have been set forth by the district. The competing priorities and the day-to-day tasks at the school site made it impossible for the majority of the site administrators to attend the researcher's training.

The researcher offered four different trainings at different times of the day. For future studies and to increase the participation rate, the researcher should survey the site administrators to see what days and times of the week work with their already busy schedules. The researcher needs to explore different modes of training including but not limited to webinars, pre-recorded videos with accessible links that would be sent to the administrators as well as email links for the survey and pre- and post-test to alleviate the site administrators from having to participate in face-to-face trainings.

It is imperative that all employees of the school district maintain knowledge of FERPA's most current provisions (Jenkins, 2003). As the leaders of the district, the district leadership team must uphold and enforce FERPA law.

Summary

This chapter reported the results of the quantitative and qualitative analyses that were applied in the study. Descriptive statistics from the survey and pre- and post-test were analyzed and reported by showing the percentage of responses. Responses from the open-ended pre- and

post-test question, as well as the interview questions, were read and reviewed to find major themes.

This chapter also reported the summary of the findings. Findings regarding each of the three research questions were discussed. The implications for practice were also discussed for the findings of the current study. Recommendations for further research were provided by the researcher focusing on building upon the current study and its findings. Lastly, a conclusion to the current research study was discussed.

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APPENDIX A

FERPA Sample Notification of Parent Rights

RELEASE OF DIRECTORY INFORMATION (EC §49073): "Directory Information" means one or more of the following items: pupil's name, address, telephone number, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil. The District has determined that the following individuals, officials, or organizations may receive directory information: PTO/PTA, Coordinating Council, School Site Council, and any law enforcement agency to aid in crime investigation. Directory information may also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks; a playbill, showing your pupil's role in a drama production; Honor roll or other recognition lists; graduation programs and sports activity sheets. However, no information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college. No directory information regarding your child may be released if you notify the District that the information shall not be released. Please submit a written notice to the Principal of your child's school if you wish to deny access to directory information concerning your child. Release of directory information of a homeless child or youth is prohibited unless a parent or eligible pupil has given written consent that such information may be released.

STATEWIDE LONGITUDINAL EDUCATION DATA (EC §49079.5): Authorizes Legislature and researchers to access state longitudinal pupil data for purposes of improving education and evaluating effectiveness of instructional materials in a manner that complies with FERPA and state privacy laws of pupil records.

CALPADS (EC §49079.6): Authorizes California Department of Education (CDE) to act on behalf of school districts under the Family Educational Rights and Privacy Act (FERPA) in authorizing the release of pupil data to researchers in accordance with established procedures.

RELEASE OF INFORMATION TO MILITARY RECRUITERS (20 USC§7908): Federal law requires school districts to provide, on a request made by military recruiters or an institution of higher education, access to secondary school pupils' names, addresses and telephone listings. However, you have the right to request that your child's name, address, and telephone listing shall not be released without your prior written consent. Please submit a written notice to your child's school Principal if you wish to deny access to this information.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA," 20 USC §1232g): United States law set forth in FERPA grants parents certain rights with respect to their pupil's records. For a summary of your rights under FERPA please review the notification below.

NOTIFICATION OF RIGHTS UNDER FERPA: The Family Educational Rights and Privacy Act (FERPA) and California law affords parents and pupils over 18 years of age ("eligible pupils") certain rights with respect to the pupil's education records. These rights are:

1. The right to inspect and review the pupil's education records maintained by the school. These rights transfer to the eligible student when he/she reaches the age of 18 or attends a school beyond the high school level.

Parents or eligible pupils should submit to the school Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible pupil of the time and place where the records may be inspected. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

2. The right to request that a school correct the pupil's education records that the parent or eligible pupil believes are inaccurate, misleading, or otherwise in violation of the pupil's privacy rights under FERPA.

Parents or eligible pupils who wish to ask the school to correct a record should write the school Principal [or appropriate school official], clearly identify the part of the record they want corrected, and specify why it should be corrected. If the school decides not to amend the record as requested by the parent or eligible pupil, the school will notify the parent or eligible pupil of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible pupil when notified of the right to a hearing. After the hearing, if the school still decides not to amend the records, the parent or eligible student has the right to place a statement with the records setting forth his/her view about the contested information.

3. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education records. However, FERPA permits schools to disclose those records, without consent, to the following parties or under the following conditions:

- school officials with legitimate education 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; and
- appropriate officials in cases of health and safety emergencies; and State and local authorities, within a juvenile justice system, pursuant to specific State law.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public private school attended by the student. However, schools must inform parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. School officials must notify parents and eligible students annually of their rights under FERPA. This handbook constitutes notification of your FERPA rights.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA are: **Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.**

APPENDIX B

Survey and Pre- and Post-Test

Hello. My name is Michele Cunha, and I am a doctoral candidate at Concordia University Irvine. The anonymous survey you are about to take will measure your knowledge of understanding of the Family Educational Rights and Privacy Act (FERPA) as well as the extent to which FERPA is being implemented in your district.

FERPA is a federal law that protects the privacy of student education records and applies to educational institutions that receive federal funds under any U.S. Department of Education administered program.

Your participation in this survey is voluntary; it should take approximately 15 minutes to complete. You are free to decline to answer any question for any reason. The results of the survey will be anonymous and will be used strictly for research for my dissertation. At the end of the research study, these surveys will be securely shredded. Thank you for your time.

Survey

Demographic Information (for each question, circle the option that best describes you):

1. Indicate your gender.	Male	Female			
2. Indicate the highest degree you have obtained.	Bachelor's	Master's	Doctorate (Ed.D., J.D., Ph.D.)		
3. Indicate the number of years that you have been a site administrator.	Less than 1 year	1 year	2-5 years	6-10 years	11 or more years
4. Indicate the level of your school.	Elementary (K-5, K-6, K-8, 3-9)	Intermediate	High School (7-12, 9-12)		

Knowledge of FERPA (circle the number that best indicates your answer):

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1. Prior to this training, I participated in trainings where FERPA was the main topic.	1	2	3	4	5	6	7
2. Before reading the definition of FERPA, I knew what FERPA was.	1	2	3	4	5	6	7
3. As an administrator, I believe FERPA to be important.	1	2	3	4	5	6	7
4. I understand FERPA guidelines and feel confident in the way I manage student information.	1	2	3	4	5	6	7
5. I know my staff (teachers and support staff) has been trained on FERPA.	1	2	3	4	5	6	7
6. I know which FERPA laws must be applied to student education records.	1	2	3	4	5	6	7

Student Data (circle the number that best indicates your answer):

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1. In my opinion, maintaining the confidentiality of student data is a high priority at my school.	1	2	3	4	5	6	7
2. I know which student data elements may be released to the public.	1	2	3	4	5	6	7
3. I understand how student data/results should be publicly displayed.	1	2	3	4	5	6	7
4. I know my staff (teachers and support staff) has been trained on how to discuss student data with other staff members.	1	2	3	4	5	6	7
5. Teachers may post publicly student grades by student last name and/or student ID.	1	2	3	4	5	6	7

Student/Parent Rights (circle the number that best indicates your answer):

	Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree
1. The issue of a student's right to privacy as defined by FERPA is important.	1	2	3	4	5	6	7
2. I feel that 100% of my students' rights are protected according to FERPA.	1	2	3	4	5	6	7
3. Parents are notified annually of their rights under FERPA.	1	2	3	4	5	6	7
4. I have received FERPA training related to student/parent rights.	1	2	3	4	5	6	7
5. Information in a student education record can be changed by the parent or student (if over 18).	1	2	3	4	5	6	7
6. A parent or student (if over 18) can prevent the release of directory information.	1	2	3	4	5	6	7

Pre-Test

Circle either true or false

1. Teachers may post grades and test results by student name or student id.	True	False
2. In a legal separation or divorce situation, biological parents have equal standing as custodial parents to gain access to the student's education record.	True	False
3. A student's social security number (SSN) could be verified to a caller who received a document with the student's SSN on it.	True	False
4. A school must give its parents the opportunity to withhold the release of any or all designated items of directory information.	True	False
5. A school must release any information identified as directory information by the school to anyone upon request.	True	False

Circle the letter of the most accurate response

<p>6. A school must permit a parent to review their child's records within how many days from the day the parent requests the review?</p> <p>a) 10 days</p> <p>b) 20 days</p> <p>c) 25 days</p> <p>d) 30 days</p> <p>e) none of these</p>
<p>7. "Legitimate educational interest" refers to:</p> <p>a) a school official's need to review a student's education record to perform his/her job duties.</p> <p>b) a parent's right to review their child's education records.</p> <p>c) the need to provide education records in child custody cases.</p> <p>d) the delegation of authority to the Board to determine educational records policy for the institution.</p>
<p>8. Which of the following would not be acceptable under FERPA?</p> <p>a) releasing the title of the Superintendent's degree to the newspaper</p> <p>b) the site administrator having access to all students' education records</p> <p>c) notifying parents of their rights via the handbook</p> <p>d) a teacher announcing to the class that afterschool they can pick up their graded papers on the chair outside of the door</p>

9. To be an “education record”, a piece of information must be:

- a) personally identifiable to a student.
- b) maintained by the school.
- c) kept in the cumulative records file cabinet.
- d) made available to the law enforcement unit.
- e) a and b only
- f) a, b, c only
- g) a and d only

10. Which of the following is not a parent’s right under FERPA?

- a) the right to request that the school discontinue the use of the social security number as a personal identifier
- b) the right to limit disclosure of directory information
- c) the right to request an amendment to their child’s education record
- d) the right to inspect and review their child’s education record

11. How do school personnel implement FERPA?

Post-Test

Circle either true or false

1. Teachers may post grades and test results by student name or student id.	True	False
2. In a legal separation or divorce situation, biological parents have equal standing as custodial parents to gain access to the student's education record.	True	False
3. A student's social security number (SSN) could be verified to a caller who received a document with the student's SSN on it.	True	False
4. A school must give its parents the opportunity to withhold the release of any or all designated items of directory information.	True	False
5. A school must release any information identified as directory information by the school to anyone upon request.	True	False

Circle the letter of the most accurate response

<p>6. A school must permit a parent to review their child's records within how many days from the day the parent requests the review?</p> <p>a) 10 days</p> <p>b) 20 days</p> <p>c) 25 days</p> <p>d) 30 days</p> <p>e) none of these</p>
<p>7. "Legitimate educational interest" refers to:</p> <p>a) a school official's need to review a student's education record to perform his/her job duties.</p> <p>b) a parent's right to review their child's education records.</p> <p>c) the need to provide education records in child custody cases.</p> <p>d) the delegation of authority to the Board to determine educational records policy for the institution.</p>
<p>8. Which of the following would not be acceptable under FERPA?</p> <p>a) releasing the title of the Superintendent's degree to the newspaper</p> <p>b) the site administrator having access to all students' education records</p> <p>c) notifying parents of their rights via the handbook</p> <p>d) a teacher announcing to the class that afterschool they can pick up their graded papers on the chair outside of the door</p>

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- c) kept in the cumulative records file cabinet.
- d) made available to the law enforcement unit.
- e) a and b only
- f) a, b, c only
- g) a and d only

10. Which of the following is not a parent’s right under FERPA?

- a) the right to request that the school discontinue the use of the social security number as a personal identifier
- b) the right to limit disclosure of directory information
- c) the right to request an amendment to their child’s education record
- d) the right to inspect and review their child’s education record

11. Now that you have received training, what would you do differently to ensure that FERPA is being enforced?

Pre- and Post-Test Answer Key

1. False; a student's grades and test results may only be publicly posted by a randomly assigned code or number that is known only to the student, parent, and teacher.
2. True; if the student is legally financial dependent on either parent, then either parent can submit a request to access the student's record. If the school would provide access for one parent, it may do so for either parent.
3. False; a student's SSN can never be directory information, and therefore can't be disclosed or even confirmed as public information.
4. True; although directory information is considered public, a parent may opt to consider this information confidential making it necessary to secure written consent from the parent before release.
5. False; there needs to be a legitimate educational interest to need the information.
6. E; the correct answer is 45 days.
7. A; a school official's need to review a student's education record to perform his/her job duties.,
8. D; a teacher announcing to the class that afterschool they can pick up their graded papers on the chair outside of the door.
9. E; personally identifiable to a student and maintained by the school.
10. A; the right to request that the school discontinue the use of the social security number as a personal identifier

APPENDIX C

Interview Questions

1. Interviewer indicates gender

Male Female

2. Please tell me the highest degree you have obtained

Bachelors Masters Doctorate

3. How many years have you been an educator?

Less than 1 year 1 year 2-5 years 6-10 years
11 or more years

4. What grade level do you currently teach?

TK-K 1st-2nd 3rd-4th 5th-6th 7th-8th 9th-10th
11th-12th

1. How do you protect student confidentiality as a teacher?

2. How do you think site administrators protect student confidentiality?

How do you think District Administrators protect student confidentiality?

3. How do you post/discuss student data/results with your students?

How do you post/discuss student data/results with colleagues?

4. What policies do you implement when posting student data/results?

5. What are some things you wish you knew more about or had support within the area of student confidentiality?

6. FERPA stands for Family Educational Rights and Privacy Act, how do you think that applies in your classroom?

How do you think that applies as a teacher?

7. Have you been trained on FERPA?
8. Do you think you have anything in your classroom that might reveal confidential student information?
9. Other questions that may arise in the open-ended interview.

APPENDIX D

Transcript of Interviews/Open-Ended Pre- and Post-Test Question

Interview Question 1

Response #	How Student Confidentiality is Protected as a Teacher...
School ABC #1	“Personal info is in the yellow envelope; Inside office”
School ABC #2	“Keep in locked cabinet”
School ABC #3	“Pass back tests-do not share with anyone else; Meetings w/parents-private place; Phone calls-not too much information left”
School ABC #4	“Grab a file-in hands at all times; checked back in; Children not allowed to see or hold onto it”
School ABC #5	“Within class on their Chromebooks, they can’t really do anything as far as getting off of the specific applications; there is nowhere for them to go and everything is password encrypted”
School ABC #6	“Make sure when I talk to parents about anything private that we are in a private room; When I make time to speak to them privately, any information that I have I make sure that it is written down and kept in a file with an interlocking key in the file cabinet or in their CUMs”
School ABC #7	“Keeping everything stored away in a filing cabinet”
School DEF #1	“I don’t share students’ information with anyone with the exception of assessment results in SSTs or COST”
School DEF #2	“I don’t share information about my students with anyone except for the principal and the student’s parents.”
School DEF #3	“I ask students first if they would like to share their work, grade, etc. I ask for verbal consent from the student.”
School DEF #4	“By keeping records in their CUMs-I don’t share grades-Distribute report cards in sealed envelopes”
School DEF #5	“I don’t leave documents out. Students only grade or correct their own work.”

Interview Question 2

Response #	How Student Confidentiality is Protected as a Site Administrator...
School ABC #1	“Emailed info about students; Not speaking inside the office; personnel office (where information is kept)”
School ABC #2	“Handling situations behind closed doors”
School ABC #3	“Have all CUMs locked up; Holding private meetings; No public discussion”
School ABC #4	“Not allowing students to have the information and making sure when making copies that they are right there.”
School ABC #5	“There are all of the Ed Code laws in place; District and school policies; We just don’t go about giving out student information; We don’t give out passwords; We don’t allow students to be photographed or video without parent consent”
School ABC #6	“In the same way as I do; in addition to that they have more access to files online, and they double check on who they can share the information with and how and to get the correct signatures if necessary”
School ABC #7	“I think they do a really good job doing it; Everything they talk about is just between them and the kids”
School DEF #1	“The same way that I do-He doesn’t share student information even with the teacher unless it’s a parent request”
School DEF #2	“The administrator only shares student information with interested parties: TOSA, SST Coordinator, Speech, Special Ed.”
School DEF #3	“Don’t know.”
School DEF #4	“By only sharing information with the appropriate parties.”
School DEF #5	“He doesn’t discuss names-subtle when talking to kids-does not walk into class to pull a student out or single out a student”

Interview Question 2a

Response #	How Student Confidentiality is Protected as a District Administrator...
School ABC #1	"Don't know."
School ABC #2	"Processes and avenues to access information that is very classified"
School ABC #3	"All data is protected by password and log in"
School ABC #4	"Don't know."
School ABC #5	"Same as my last answer."
School ABC #6	"I am not sure how they would do that."
School ABC #7	"The same, I think they do a really good job"
School DEF #1	"I have no idea."
School DEF #2	"The district does not release individual student names to the public. They report by groups or general terms."
School DEF #3	"Don't know-not exposed to it"
School DEF #4	"Hold private meetings-only communicate information with the appropriate parties"
School DEF #5	"They do not use names, use numbers or groups."

Interview Question 3

Response #	How Student Data/Results are Posted/Discussed with Students...
School ABC #1	“Group as a whole; Do not put names/numbers”
School ABC #2	“Conference 1:1 on results; Set goals; Students have own tracker”
School ABC #3	“General comments about assessments; Conferences or digital communications”
School ABC #4	“Data folder- we put everything in and we discuss our goals and where to go from there”
School ABC #5	“With my students, we discuss it as a group, and we’ll discuss goals, and they will be told privately what their score was; If we do it on the overhead, I will block out names”
School ABC #6	“With the students, I make individual copies of anything that is online and make sure their name is printed clearly; I provide it for them and have a separate folder for them, and I ask them to share it with their parents; I explain that it is private information and that it is nothing that you want to share or explain to a neighbor if I give it out during class”
School ABC #7	“After they are given an assessment, going over the assessment with them and what the scores are”
School DEF #1	“I don’t post data results-I show students individually and discuss the results-I don’t post any scores-The only chart I have is a homework completion chart”
School DEF #2	“The data wall has anonymous student results for sight words and fluency. The students’ names are listed for LEXIA, ST MATH, DIBELS, MAP results, and M&M math. I have a wall for writing which has students’ names.”
School DEF #3	“We set goals before tests-I sit with students individually and/or with parents-I don’t post any grades-I display everyone’s work-I don’t have charts except for homework completion”
School DEF #4	“Technology progress is posted on data walls (ST Math, AR, On a chart with names, Other assessments are Lexia)”
School DEF #5	“Individual conferences-we only post M&M charts-I post student work with no grades”

Interview Question 3a

Response #	How Student Data/Results are Posted/Discussed with Colleagues...
School ABC #1	“During grade level; Group students in area of need”
School ABC #2	“When necessary, look at level student is at-see intervention that is available; Last names are used”
School ABC #3	“Meetings with colleagues-grade level”
School ABC #4	“Discuss generally how our class did as a whole”
School ABC #5	“Look more at the general trends, not specific students; We look at the standards and see which ones are strong, which ones are weak as far as our personal teaching; so it is not specific to the kids unless of course, it is a concern with SSTs, RTIs (RITs), AIPs, then our SPED team and our Admin will get involved just because we have to share that information; they need to see it”
School ABC #6	“In a setting where it is a meeting, then I discuss it in general with high, medium or low and not giving specific student names”
School ABC #7	“Especially being a Special Education teacher that then turns into the IEP meeting and going over the scores with the parents, the Admin, the teachers so that everyone is on the same page and understands what level the student is at”
School DEF #1	“I only discuss them at SSTs or with the SST Coordinator individually.”
School DEF #2	“We discuss individual/a particular student progress-We might talk about how the class performed as a group on an assessment”
School DEF #3	“We talk about how students are at certain levels, as a number (i.e., five students need support)-we might name a student collaboration or grading assessments such as a benchmark”
School DEF #4	“Sometimes if there is a data review meeting-document and discuss at SST meetings-I discuss sand review report card at IEP meetings”
School DEF #5	“We collaborate and use group results (never by name) to plan.”

Interview Question 4

Response #	Policies that are Implemented when Posting Student Data/Results...
School ABC #1	“Numbers not names; Group them; Discuss possibility of movement +/-”
School ABC #2	“Data results not posted; Only post on Illuminate”
School ABC #3	“Not posted”
School ABC #4	“I don’t really post them too much; I let them keep them in their data folders, so kids don’t feel horrible; I do incentives for AR points that I’ll post; Or if they improved-I don’t really like to make them feel bad”
School ABC #5	“I just don’t post”
School ABC #6	“In the classroom, I don’t really post anything; I give individual graphs to the students, so they see their individual goals and grades, but it is not posted in the classroom”
School ABC #7	“Never really post grades or student assessments; it is more just usually talking with the actual student about the assessment, so only the student and I know about it or if asked another colleague or site admin”
School DEF #1	“I don’t post.”
School DEF #2	“None.”
School DEF #3	“I don’t post student data-I post work samples with no grades”
School DEF #4	“I have a growth mindset policy in my classroom-all students are at different levels and need to grow at their own pace”
School DEF #5	“I don’t post data results.”

Interview Question 5

Response #	I Need More Information/Support Within the Area of Student Confidentiality...
School ABC #1	“What is acceptable; Ability to show/not show in CUM; Like acceptable/not acceptable”
School ABC #2	“Protocol; Logistics; Defined student confidentiality”
School ABC #3	“Do not know formal rules for posting”
School ABC #4	“Procedures; How to handle things better”
School ABC #5	“I think I have a pretty good handle on it; I always err on the side of don’t post it; if it was my child would I want their information out there and at eight years old, they’re little”
School ABC #6	“Being more clear on any rules or procedures as far as wanting to post something that has to do with benchmarks or district data like how clear can it be or how open can I be with putting up a graph in the classroom because you do have parents coming in and out and others that it’ll be too clear for them to see”
School ABC #7	“I would say the FERPA; I would say other rights as well for the students, what are their abilities; How do we deal more with our population and more of the culture, and afterschool and home life and tie that in with education”
School DEF #1	“I wish that if there is an issue in the child’s personal life, administrators could share concerns so teachers can be sensitive to the situation.”
School DEF #2	“What the district expectations are.”
School DEF #3	“I think at the beginning of the school year I would appreciate a head’s up on students’ family situations if there are concerns so I can be prepared.”
School DEF #4	“More information on requirements for teachers.”
School DEF #5	“I would like to know how bad is it that we are posting student work up; I think posting student work makes them proud”

Interview Question 6

Response #	How FERPA is Applied in the Classroom...
School ABC #1	“When parents arrive at a classroom, they do not want to see student data posted.; Parents arrive and do want their child’s data shown to other students especially an IEP”
School ABC #2	“Do not know”
School ABC #3	“Do not know-not aware”
School ABC #4	“Making sure that we look at things from a parent standpoint and if they have sensitive information that we’re protecting those kids because we don’t know perhaps they have a restraining order or they can’t be with a certain parent, we need to know all that and protect the child”
School ABC #5	“Didn’t even know about it until just now”
School ABC #6	“I am not sure how that would apply”
School ABC #7	“I don’t know about the FERPA”
School DEF #1	“Maybe it applies to keeping all of my students’ confidential records confidential.”
School DEF #2	“Student records must be kept confidential-Parents have a right to access their child’s information”
School DEF #3	“It applies to me in keeping student confidentiality.”
School DEF #4	“I am respectful of families’ privacy and try to support them.”
School DEF #5	“Obviously I want to protect my students’ privacy-I don’t put names on the board-I don’t post names on charts or data results”

Interview Question 6a

Response #	How FERPA is Applied as a Teacher...
School ABC #1	“Understand parent and where coming from”
School ABC #2	“Assuming protecting student; Confidentiality; Allow parents access to student information of own child”
School ABC #3	“No idea”
School ABC #4	“I think the same thing; just make sure that I am protecting the child first and foremost”
School ABC #5	“Seeing that I don’t have any information on it, I would just follow along with my gut instinct and just keep things private”
School ABC #6	“I am not sure how it applies”
School ABC #7	“I don’t know that”
School DEF #1	“Being aware students have rights to confidentiality.”
School DEF #2	“I keep student records confidential-Parents can request copies of anything I have on their child”
School DEF #3	“It’s extremely important.”
School DEF #4	“I have a responsibility to protect student confidentiality.”
School DEF #5	“See above-same as in the classroom- I do not discuss individual students by name with others”

Interview Question 7

Response #	Been Trained on FERPA...
School ABC #1	"No"
School ABC #2	"No"
School ABC #3	"No"
School ABC #4	"I don't think so"
School ABC #5	"No"
School ABC #6	"No"
School ABC #7	"No, I have not"
School DEF #1	"No."
School DEF #2	"No."
School DEF #3	"No."
School DEF #4	"No."
School DEF #5	"No."

Interview Question 8

Response #	Confidential Student Information in my Classroom...
School ABC #1	"No"
School ABC #2	"No"
School ABC #3	"No"
School ABC #4	"Yes, but it is in my file cabinet or Aeries on my desktop, but I would have to open that up"
School ABC #5	"Yes, I have AR scores"
School ABC #6	"No"
School ABC #7	"No"
School DEF #1	"No."
School DEF #2	"Maybe my data wall."
School DEF #3	"No."
School DEF #4	"Only if the ST Math, Lexia, and AR progress should be kept confidential."
School DEF #5	"No, I have confidential files, but locked."

Interview Question 9

Response #	Additional Questions about FERPA...
School ABC #1	"None"
School ABC #2	"More information on FERPA"
School ABC #3	"No"
School ABC #4	"Nope"
School ABC #5	"Nope"
School ABC #6	"No"
School ABC #7	"No"
School DEF #1	"None"
School DEF #2	"What are the student's rights?"
School DEF #3	"This is a good reminder of how important student confidentiality is."
School DEF #4	"None"
School DEF #5	"None"

Pre-Test Open-Ended Question

Pre-Test Response #	How School Personnel Implement FERPA...
01	"CUMs are in a locked room. Information is given out after receiving verification of person requesting info."
02	"By adhering to privacy guidelines. If they are unsure, they must ask the district for directions."
03	"When requests for records come in, as an office staff & SpEd team, we always end up discussing our procedures to attempt to ensure compliance."
04	"First, they must be trained, from Admin to office staff, to teachers and other classified staff. Once trained clear written guidelines & policies should be written and understood. An evaluation should take place to determine areas of growth & areas of strength. From the areas of growth, a plan should be written on how to improve. At the District, an annual audit should take place."
05	"Only school personnel and parents have access to student records. Courts may request student information from office personnel upon legal documentation. All student records (CUMs) must be kept on file in a secure container. Records must be returned to cum file upon each use. Student information (if confidential IEP, etc.), may not be discussed with others."
06	"... I would say that our use of Aeries is how we implement FERPA. And, if requests are made, we refer parents to PSS."
07	"...I also know that anything in the CUM is confidential but sharable to SAUSD staff and parents of the child."
08	"Students records can only be released with the consent of parents. Parents can review records at the site. Student records must be kept confidential."
09	"By maintaining accurate records. Keeping private specific aspects such as discipline and/or counseling. Parents are notified annually of their rights as distributed in the annual Parent Handbook."
10	"Carefully after being trained."

Post-Test Open-Ended Question

Post-Test Response #	How Participants will Ensure that FERPA is Being Enforced...
01	“Assess and discuss with teachers what can be shared in terms of data. Make sure staff understands FERPA.”
02	“Make sure teachers don’t post grades/scores attached to names or student IDs.”
03	“I will need to share this information with the office staff and teachers to make sure we are in compliance.”
04	“Retrain all staff with a review such as a pretest & a posttest, and re-evaluate after all staff has been trained.”
05	“Train staff regarding compliance to FERPA. Review present site practices to ensure compliance to FERPA. Adhere to District directives regarding compliance to FERPA.”
06	“I will need to be more diligent about how we, as a school, post student information (i.e., class lists, achievement charts, etc.)”
07	Participant would like further information regarding FERPA
08	“Review FERPA rules with staff, AP, and teachers. Review the rules myself. Add info to school handbook and staff handbooks. Clean and review CUMs.”
09	“Be more deliberate with not releasing/sharing/posting student information. Do a quick PD on what can and cannot be shared/posted, i.e., grades.”
10	“Review with office staff and teachers a thorough training at the onset each year.”

APPENDIX E

FERPA Brochure

What is directory information?

Educational institutions may disclose information about a student without violating FERPA if it has designated that information as *directory information*. At Santa Ana Unified School District, this includes a student's:

- ⇒ Name
- ⇒ Address
- ⇒ Telephone number
- ⇒ Dates of attendance
- ⇒ Academic awards received

Who may have access to student information?

- ⇒ The parent and any outside party who has the parent's written request.
- ⇒ School officials (as defined by the educational institution) who have *legitimate educational interests*.
- ⇒ A person in response to a lawfully issued subpoena or court order, as long as the educational institution makes a reasonable attempt to notify the parent first. Normally, the educational institution will comply with a subpoena after two weeks have elapsed from the day of notifying the parent.

*When is the parent's consent not required to disclose information?*

When the disclosure is (one or more of the following):

- ⇒ To school officials (defined in policy) who have a legitimate educational interest.
- ⇒ To federal, state and local authorities involving an audit or evaluation of compliance with educational programs.

What are education records?

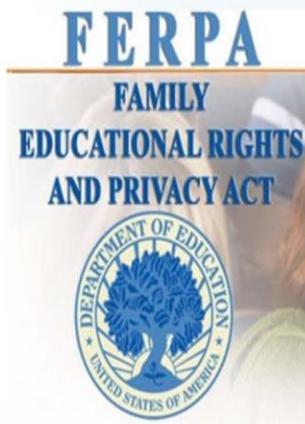
An education record is any record (1) which contains information that is personally identifiable to a student, and (2) is maintained by the educational institution. With the exception of information about other students, a parent has the right of access to his or her child's education records.

Education records include any records in whatever medium (handwritten, print, email, magnetic tape, film, diskette, etc.) that are in the possession of any school official. This includes transcripts or other records obtained from a school in which a student was previously enrolled.

What information is not considered part of an education record?

- ⇒ Sole possession records or private notes held by school officials that are not accessible or released to other personnel.
- ⇒ Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit.
- ⇒ Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
- ⇒ Records of an educational institution that contain only information about an individual obtained after that person is no longer a student at that institution, i.e., alumni records.

The Family Educational Rights and Privacy Act Informational Guidelines



Created using the AACRAO 2012 FERPA Guide

What is FERPA?

The *Family Educational Rights and Privacy Act of 1974* helps protect the privacy of student education records. The Act provides eligible students the right to inspect and review education records, the right to seek to amend those records and to limit disclosure of information from the records. The intent of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. The Act applies to all institutions that are the recipients of federal aid administered by the Secretary of Education.

Who is protected under FERPA?

FERPA protects the education records of students who are currently enrolled or formerly enrolled regardless of their age or status with regard to parental dependency.

Parents of a student termed as “dependent” for income tax purposes may have access to their child’s education records or if the student is under 18 years of age.

What rights does FERPA afford parents with respect to their child’s education records?

⇒ The right to inspect and review their child’s education records within 45 days of the day the educational institution receives a request for access.

Parents should submit written requests to the site administrator and identify the record(s) they wish to inspect. The office staff will make arrangements for access, ensure that a staff member is present, and notify the parent of the time and place where the records may be inspected. If the requested records are not maintained by the office staff, the parent will be notified of the correct person to whom the request should be addressed.

⇒ The right to request an amendment to their child’s education records that the parent believes are inaccurate or misleading.

Parents may ask the educational institution to amend a record that they believe is inaccurate or misleading. They should write the site administrator or the specific department involved with the record in question, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the educational institution decides not to amend the record as requested by the parent, the educational institution will notify the parent of the decision and advise the parent of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing will be provided to the parent when notified of the hearing.

What rights does FERPA afford parents with respect to their child’s education records? (continued)

⇒ The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is: a person employed by the educational institution in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff) and a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent).

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

⇒ The right to file a complaint with the U.S. Department of Education concerning alleged failures by the educational institution to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington DC 20202-5920

APPENDIX F

FERPA PowerPoint for Training

Family Educational Rights and Privacy Act of 1974

Michele L. Cunha
Concordia University Irvine
October 26, 2017

Created using the AACRAO 2012 FERPA Guide

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

- Federal Law
- Protects the privacy of student education records
- Also known as the Buckley Amendment
- Applies to any educational institution that receives federal funds
- Enforced by the Family Policy Compliance Office

Cunha 2017

KEY CONCEPTS

- Required annual notification
- Written permission required for disclosure of student education record
- Parents' right to access their child's records
- The "musts" and "mays" in FERPA
- Parents/parental disclosure
- Legitimate educational interest

Cunha 2017

AGENDA

- Education Record
- Personally Identifiable Information (PII)
- Directory Information
- Parent Rights
- Requirements for Compliance
- FERPA Information Source

Cunha 2017

EDUCATION RECORDS (1 OF 3)

- It is...
 - Maintained by the educational institution
 - Personally identifiable to the student
- It is not...
 - Sole Possession Notes
 - Law enforcement unit records
 - Medical & treatment records
 - Peer-graded papers before they are collected and recorded by the teacher

Cunha 2017

EDUCATION RECORDS (2 OF 3)

- Released without consent...
 - Personnel (school officials) that have a legitimate educational interest
 - Needs to review an education record in order to fulfill his or her professional responsibility
 - Officials of other educational institutions in which the student is seeking to enroll
 - Authorized representatives of the following for audit, evaluation, or enforcement of federal and state supported programs:
 - Comptroller General of the United States
 - Secretary, U.S. Department of Education
 - U.S. Attorney General (law enforcement only)
 - State educational authorities
 - Organizations providing financial aid programs or determining financial aid decisions

Cunha 2017

EDUCATION RECORDS (3 OF 3)

- Released without consent...
 - Organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction
 - Accrediting organizations carrying out their accrediting functions
 - Persons in compliance with a judicial order or a lawfully issued subpoena, provided that the institution first make a reasonable attempt to notify the parent. *Exception:* If the subpoena is issued from a federal grand jury, or for a law enforcement purpose, and orders the institution *not* to notify the parent.
 - A court if the parent has initiated legal action against the institution or the institution has initiated legal action against a student
 - Persons in an emergency, if it is determined that there is a rational basis to believe there is a significant threat to a student or other persons. In such cases, the educational agency or institution must record the articulable threat that formed the basis for the disclosure, and the parties to whom the agency or institution disclosed the information.

Curha 2017 7

SCENARIO

Law Enforcement Unit: Maintaining Records

URL: www.ferpa.gov 410-414-7100 82.21.08

Low Enforcement Unit: Maintaining Records

- A student is expelled from high school. A copy of his disciplinary record is sent to the school district's law enforcement unit so that school security can keep the student off campus. The law enforcement unit maintains that record for the school district and discloses it to a reporter in response to California's Public Records Act. Is that permissible under FERPA?

Question is not active

0

Curha 2017 8

SCENARIO

Disciplinary Records Request

URL: www.ferpa.gov 410-414-7100 82.21.08

Disciplinary Records Request

- A student who attended school in San Diego has relocated to Arizona and is having a hard time being admitted to the local school in Phoenix because the new school wants the student's disciplinary records from her previous school. Does the school in San Diego have to disclose the student's discipline records to the new school in Phoenix?

Question is not active

0

Curha 2017 9

PERSONALLY IDENTIFIABLE INFORMATION (PII)

- Student name
- Parent name
- Mother's maiden name
- Home address
- Date of birth
- Personal identifier: social security number or student ID
- List of personal characteristics that would make the student's identity known

Curha 2017 10

IS THIS ALLOWABLE UNDER FERPA?

GRADES POSTED ON BULLETIN BOARD

Student ID	Percentage	Grade
112949	93.8%	A
224532	84.5%	B
335599	83.1%	B
441197	71.0%	C
556115	66.2%	D
667692	66.9%	D
772342	68.1%	D
881543	62.9%	D
996748	54.3%	F

Curha 2017 11

IS THIS ALLOWABLE UNDER FERPA?



Curha 2017 12

SCENARIO

Overdue Library Books

- A public school district lists the name of students who have overdue library books on their website, as well as posts the list on the school bulletin board. Is this permissible under FERPA?

GO TO: WWW.FERPA.GOV OR USE THE CODE: **EE 21 69**

Overdue Library Books

Question is not active

Answer

0

Curho 2017 13

DIRECTORY INFORMATION (1 OF 3)

- Information in a student education record that is not harmful or considered an invasion of privacy if disclosed
- Only be released with parent's written permission

Curho 2017 14

DIRECTORY INFORMATION (2 OF 3)

<p>MAY include but not be limited to:</p> <ul style="list-style-type: none"> Student's name Addresses, including email Telephone number Date/place of birth Participation in officially recognized activities and sports Height/weight of athletic team members Dates of attendance Awards received Photographs 	<p>NEVER include:</p> <ul style="list-style-type: none"> Race Ethnicity Nationality Gender Social security number Student ID. (<i>may be included on a Student ID Badge</i>) Grades GPA Country of citizenship Religion
---	--

Curho 2017 15

DIRECTORY INFORMATION (3 OF 3)

SAUSD has designated directory information according to the Family Educational Rights and Privacy Act of 1974 to be the student's:

- Name
- Address
- Telephone number
- Dates of attendance
- Academic awards received

Curho 2017 16

SCENARIO

Directory information: Disability

- Name, address, telephone, email, and honors/awards received have been designated as directory information.
- A non-profit organization that has programs for special needs children asks the school for directory information on students who have a certain disability. Can the names and contact information for these students be disclosed to the organization as directory information?

GO TO: WWW.FERPA.GOV OR USE THE CODE: **EE 21 69**

Directory information: Disability

Question is not active

Answer

0

Curho 2017 17

SCENARIO

Student ID Badge

- A student refuses to wear an ID Badge and her parents opted out of the disclosure of directory information on their child in order to prevent the student from having to wear an ID Badge. Can the school make her wear the ID Badge anyway?

GO TO: WWW.FERPA.GOV OR USE THE CODE: **EE 21 69**

Student ID Badge

Question is not active

Answer

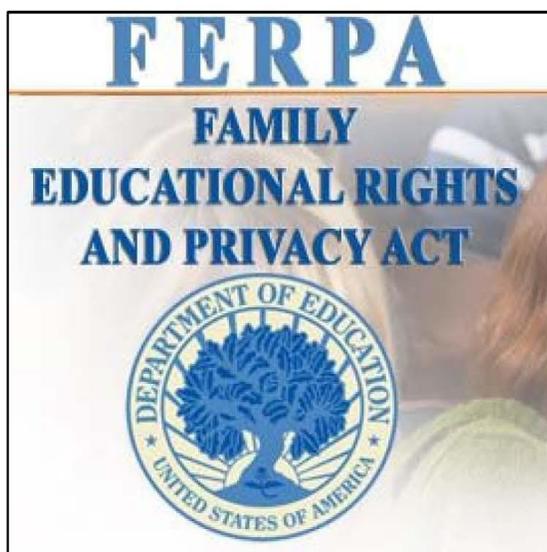
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Curho 2017 18

APPENDIX G

FERPA Training Manual

Family Educational Rights and Privacy Act (FERPA) Training Manual for K-12 Site Administrators



FERPA Training Manual

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FERPA Training Manual

This manual provides helpful information that will assist K-12 site administrators in training their employees (teachers, instructional staff, office staff) regarding FERPA.

FERPA Key Concepts/Terms

	Source in the Code of Federal Regulations (CFR)
Concepts	
Required annual notification	34 C.F.R. 99.7
Written permission of student required to disclose	§ 99.30
The exception to written permission	§ 99.31
Parent's right to access child's records	§ 99.10
The "musts" and "mays" in FERPA	(throughout); notably § 99.31
Parents/parental disclosure	§ 99.31(a)(8)
Legitimate educational interest	§ 99.31(a)(1)
Terms	
Education Record	§ 99.3
Directory Information	§ 99.3
School Official	§ 99.7(a)(3)(iii)
Personally Identifiable	§ 99.3
Eligible Student	§ 99.3
Education Program	§ 99.3
Authorized Representative	§ 99.3

FERPA Training Manual

FERPA Basics for Teachers/Instructional Staff/Office Staff (1 of 2)

The Essence

- A federal law designed to protect the privacy of education records. It also provides guidelines for appropriately using and releasing student education records.
- It is intended that parents' rights be broadly defined and applied. Therefore, consider the parent as the "owner" of the information in their child's education record, and the school district as the "custodian" of that record.

Key Terms/Definitions

"EDUCATION RECORDS" include any record maintained by the school district that contains information that is personally identifiable to a student (in whatever format or medium) with some narrowly defined exceptions:

- Records in the "sole possession of the maker" (e.g., private advising notes).
- Law enforcement records created and maintained by a law enforcement agency for a law enforcement purpose.
- Medical/psychological treatment records (e.g., from a health or counseling center).

"DIRECTORY INFORMATION": Those data items that are not considered harmful or an invasion of privacy if publicly available. This information cannot be released if a parent has a "no release" on their child's record. Each school district establishes what it considers to be directory information. Typical examples include: name, address (local, home, and email), telephone (local and home), academic program of study, dates of attendance, date of birth, and awards received.

- Directory information cannot include race, gender, SSN (or part of an SSN), grades, GPA, country of citizenship, or religion. Except in particular circumstances, a student

ID number also cannot be considered directory information.

- Every parent must be given the opportunity to have directory information suppressed from public release. This process is often referred to as a "no release," "opt-out," or "suppression." When a parent makes this request, everyone within the school district must abide by the parent's request that no information be released about their child.
- It is essential to understand, that a "no release" does not mean that a school official within the school district who has a demonstrated legitimate educational interest (e.g., a teacher teaching the student in class) is precluded from using the information to perform that official's job duties.

"PARENT": With reference to FERPA, the term "parent" refers to either parent, (including custodial and non-custodial, if divorced).

Basic Rights of Parents under FERPA

- Be notified of their FERPA rights annually.
- Inspect and review their child's education records.
- Amend an incorrect record.
- Consent to disclosure (with exception).

Annual Notification

Every school district must notify parents of their FERPA rights at least annually.

Inspection and Review

Parents have the right to see everything in their child's "education record," except:

- Information about other children.

FERPA does not prescribe what records are created or how long they are to be kept; however, you cannot destroy a record if there is a request to inspect and review. It is important to know and understand your school district's records retention policy.

FERPA Training Manual

FERPA Basics for Teachers/Instructional Staff/Office Staff (2 of 2)

Right to Consent to Disclosure

Start with the premise that the parent has the right to control to whom their child's education record is released. Then, there are several exceptions when that permission is not required.

In those instances where a signed release is required, regulations now provide the flexibility to accept an electronic signature.

When is Prior Consent Not Required

The school district may disclose records without consent if certain requirements are met, but it is not required to do so.

Some examples of the exceptions to the release requirement include:

- "School officials" with a "legitimate educational interest." Employees and legal agents have access to education records to perform their official, educationally-related duties.
- Disclosure to another school district where the student seeks to enroll or is enrolled.
- Disclosure to the Department of Education, state/local education authorities.
- Disclosure in connection with the receipt of financial aid.
- Disclosure to state/local officials in conjunction with legislative requirements.
- Disclosure to organizations conducting studies to improve instruction, or to accrediting organizations.
- To comply with a judicial order or lawfully issued subpoena.
- Disclosure for a health/safety emergency (must document what the emergency was and to whom the information was released).
- Disclosure of directory information, provided the parent has not requested "no release."
- Disciplinary information:
 - Disclosure to the alleged victim of a crime of violence, such as information from disciplinary proceedings.
 - Only when found in violation, and just for crimes of violence—release of name, sanction and outcome can be made to anyone.
- Disclosure to parents of any student under the age of 21, a violation of federal, state, local, or institutional laws/regulations related to substance abuse (provided that other laws governing the school district, such as state law, do not preclude such disclosures).

Some Specific Issues for Teachers and Instructional Staff

- **POSTING GRADES:** Since grades can never be directory information, it is inappropriate to post grades in a public setting. A teacher may, however, post grades if the grades are displayed in such a manner that only the teacher and the individual student can identify the individual and his or her grade. Grades should never be posted by a portion of the Social Security Number. Additionally, it is recommended that such a posted list should not be in the same order as the class roster or in alphabetical order.
- **PARENTS OPTING FOR NO RELEASE IN THE CLASSROOM SETTING:** Parents cannot choose for their child to be anonymous in the classroom setting. If a parent has chosen "no release" for their child's directory information, that does not mean the teacher cannot call on the student by name in class or that the student's email address cannot be displayed on an electronic classroom support tool such as a discussion board, blog, or chat feature.

FERPA Training Manual

Education Records

- Information directly related to a student, other than directory information
- Maintained by the school district, regardless of physical form (e.g., handwriting, print, tapes, film, microfilm, etc.)
- Released without consent:
 - In compliance with a court order or subpoena
 - In the use of health/safety emergencies
 - To other educational school districts that the student is seeking to enroll
 - To authorized representatives for audit, evaluation, or enforcement of federal and state supported education programs
 - To the juvenile justice system
 - To educational research and development organizations that conduct studies in the best educational interests of students
- Does not include:
 - Records kept in sole possession, used only as a personal memory aid
 - Records of the law enforcement unit
 - Records maintained by medical professionals
 - Grades on peer-graded papers before they are collected and recorded by a teacher

Personally Identifiable Information (PII)

Personally identifiable information is information in an education record that makes it easy to identify students and can only be shared with prior consent.

It includes, but is not limited to:

- The student's name
- The name of the student's parents or other family members
- The student's address
- A personal identifier, such as the student's social security number or student ID/number
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

FERPA Training Manual

Directory Information

Directory information is information in an education record that is not harmful or considered an invasion of privacy if disclosed but must be released with a parent's written permission.

It includes, but is not limited to:

- Student's name
- Address
- Telephone number
- Date/place of birth
- Email address
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Awards received

It *does not* include:

- A student's social security number
- A student ID number, except under the following conditions
 - When used by the student for purposes of accessing or communicating in electronic systems, but only if it cannot be used to gain access to education records except when used in conjunction with a password; and
 - When displayed on a student ID badge, but only if it cannot be used to gain access to education records except when used in conjunction with a password

Release of directory information

A school district may release directory information if it has given public notice to parents of students in attendance of:

- The types of personally identifiable information that the school district has designated as directory information
- A parent's right to refuse to let the school district designate any or all of those types of information about the student as directory information
- The period of time within which a parent has to notify the school district in writing that he or she does not want any or all of those types of information about the student designated as directory information
 - A parent may not use the right to opt out of directory information disclosures to:
 - Prevent a school district from disclosing or requiring a student to disclose the student's name, ID, or email address in a class in which the student is enrolled; or
 - Prevent a school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been appropriately designated by the school district as directory information

FERPA Training Manual

Annual Notification to Parents

The school district shall annually notify parents of students currently in attendance of their rights under FERPA by any means that are reasonably likely to inform parents of their rights.

The following information should be included in the annual notification of parent's rights and responsibilities:

- Consent to disclosures of personally identifiable information contained in the education record, except to the extent that FERPA authorizes disclosure without consent
- Types of records and information maintained by the school district that is directly related to the student
- The location of the access log required to be maintained
- The school district's definition of:
 - School officials and employees
 - Legitimate educational interest
 - Directory information
- The right of parents to access education records
- The school official to contact to seek access to records
- Procedure to inspect and review records
- The district's policies for reviewing and expunging records
- Applicable fees for copies of records
- Procedure to challenge and/or amend records
- Procedure to file a complaint of an alleged violation

APPENDIX H

FERPA Checklist for Classroom Walkthroughs

**Family Educational Rights and Privacy Act (FERPA)
Classroom Checklist for K-12 Site Administrators**

This checklist can be used as a guide to assist K-12 site administrators in ensuring their teachers are enforcing FERPA.

**Please note that this is not an exhaustive checklist and you may add items as you see fit.*

- Student grades are not posted with identifying information
- Identifying information about students is not posted, including but not limited to, homework completion, student progress on specific tasks, etc.
- Pictures of students are only posted in the classroom and/or social media with parent permission
- Student test data/results are not posted with identifying information
- Student work is posted without any grades, including but not limited to, letter grades, number correct, percentage, checkmarks
- Teacher's grade book (print and electronic) is not available for student access
- Information about students (English learner, Special Education, etc.) can only be seen by the teacher and is hidden from student view
- Teacher is not talking to students, teachers, and/or parents about other students
- Teacher returns graded assignments to students face down
- Report cards and progress reports are placed in envelopes and given to students by the teacher
- Teacher is accessing only education records needed to perform his or her duties
- Student desks are within a reasonable distance from the teacher's desk

APPENDIX I

FERPA Steps to Protect Confidentiality

Family Educational Rights and Privacy Act (FERPA) Steps to Protect Student Security and Confidentiality for K-12 Site Administrators

These steps can be used as a guide to assist K-12 site administrators in ensuring student security and confidentiality.

**Please note that this is not an exhaustive list and you may add items as you see fit.*

Security: physical protection of data.

Confidentiality: obligations of those who have access to another individual's personally identifiable information to not share it without consent.

Passwords:

- Keep passwords strictly confidential; do not share them with others
- Change passwords frequently: every 30 to 60 days
- Learn your password

Education Records:

- Be familiar with your district's policy on security and retention of education records
- Secure files with student information when not in use or if third parties are present
- Teachers are only accessing those education records required to perform their duties
- Ensure privacy of all education records, disposing of information in a secure manner
- Put confidential information into a locked cabinet or drawer when leaving the area where it is not in use

Physical Security:

- Keep discussion of student information private when in public areas
- Appropriate staff knows and adheres to policies and regulations protecting confidentiality
- Do not allow confidential data to be worked on at home
- Provide ongoing training regarding confidentiality issues and the sensitivity of data

Physical Environment:

- Make it possible to lock desks, offices, and filing cabinets
- Position desks to maximize privacy of materials on work surfaces
- Make sure computer screens do not face public areas

Technical Practices:

- Send personally identifiable information from education records by email only after using an encryption program or some other means of protecting the integrity of the information
- Have an acceptable-use policy in place regarding both Internet access and confidential data files and establish a procedure for monitoring use
- Institute confidentiality agreements with vendors, employees, and service providers
- When recycling computers, pull or reformat hard drives
- Make sure that wireless networks are secure
- Update anti-virus and anti-spyware software frequently
- Establish plans for reacting to data security breaches
- When deleting confidential materials, use overwriting software to be sure data are completely deleted
- Maintain appropriate and up-to-date software and hardware

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Source: Data Quality Campaign. (2011). Supporting data use while protecting the privacy, security and confidentiality of student information: A primer for state policymakers; National Forum on Education Statistics. (2007). *Forum curriculum for improving education data: A resource for local education agencies*

APPENDIX J

Informed Consent Form

INFORMED CONSENT FORM: Principals and Assistant Principals**PERCEPTIONS AND KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AMONG K-12 SCHOOL DISTRICT ADMINISTRATORS AND TEACHERS: A MIXED-METHODS STUDY ON THE EFFECTS OF PERCEPTIONS OF EDUCATORS ON IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The study in which you are being asked to participate is designed to investigate compliance with understanding FERPA practices and how site administrators effect change and implement FERPA after receiving training. This study is being conducted by Michele Cunha under the supervision of Dr. Deborah Collins in the School of Education at Concordia University Irvine. This study has been approved by the Institutional Review Board, Concordia University Irvine, in Irvine, CA.

PURPOSE: The purpose of the study is to determine if site administrators from educational institutions understand how to enforce FERPA and how site administrators effect change and implement FERPA.

DESCRIPTION: You are being asked to complete a survey asking some questions about your level of knowledge of FERPA, participate in a FERPA training, and complete a pre- and post-test asking questions related to FERPA.

PARTICIPATION: Your participation is completely voluntary, and you may discontinue participation at any time.

ANONYMITY: Your identity will remain completely anonymous. The completed surveys and pre- and post-tests will be stored in a combination-locked filing box. Once the data has been disseminated, the surveys and pre- and post-tests will be destroyed and shredded.

DURATION: Your total time of participation will be about 90 minutes (Survey: 15 minutes; Training: 50 minutes; and Pre- and Post-Test: 20 minutes each)

RISKS: There are no foreseeable risks to your participation in the study.

BENEFITS: This study has the potential to show you how to implement FERPA and increase your level of knowledge with FERPA.

VIDEO/AUDIO/PHOTOGRAPH: No video, audio, or photographs will be taken.

CONTACT: For questions about the research and research participants' rights, or in the event of a research-related injury, please contact Dr. Deborah Collins, dissertation committee chair: (562) 370-6912; Deborah.Collins@cui.edu.

RESULTS: The results of this study will be published in the researcher's doctoral dissertation at Concordia University Irvine.

CONFIRMATION STATEMENT:

I have read and understand the consent document and agree to participate in your study.

Signature: _____ Date: _____

Printed Name: _____

The extra copy of this consent form is for your record.

INFORMED CONSENT FORM: Teachers

PERCEPTIONS AND KNOWLEDGE OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AMONG K-12 SCHOOL DISTRICT ADMINISTRATORS AND TEACHERS: A MIXED-METHODS STUDY ON THE EFFECTS OF PERCEPTIONS OF EDUCATORS ON IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The study in which you are being asked to participate is designed to investigate compliance with understanding FERPA practices. This study is being conducted by Michele Cunha under the supervision of Dr. Deborah Collins in the School of Education at Concordia University Irvine. This study has been approved by the Institutional Review Board, Concordia University Irvine, in Irvine, CA.

PURPOSE: The purpose of the study is to determine if teachers from educational institutions understand how to enforce FERPA.

DESCRIPTION: You are being asked to participate in an open-ended, semi-structured interview, in which you will be asked questions regarding student rights and confidentiality.

PARTICIPATION: Your participation is completely voluntary, and you may discontinue participation at any time.

CONFIDENTIALITY: Your identity will remain completely confidential to the researcher. The researcher will be having a Teacher on Special Assignment (TOSA) or Classroom Teacher conduct the interview. The responses to the interview will be stored in a combination-locked filing box. Once the data has been disseminated, the responses will be destroyed and shredded.

DURATION: The interview should take about 20-30 minutes.

RISKS: There are no foreseeable risks to your participation in the study.

BENEFITS: This study has the potential to show you how to implement FERPA and increase your level of knowledge with FERPA.

AUDIO: You are being asked to consent to a digital audio recording of the interview. This is voluntary. Should you withhold your consent, the TOSA or Classroom Teacher will take notes via pen/paper.

CONTACT: For questions about the research and research participants' rights, or in the event of a research-related injury, please contact Dr. Deborah Collins, dissertation committee chair: (562) 370-6912; Deborah.Collins@cui.edu.

RESULTS: The results of this study will be published in the researcher's doctoral dissertation at Concordia University Irvine.

CONFIRMATION STATEMENT:

I have read and understand the consent document and agree to participate in your study.

Signature: _____ Date: _____

Printed Name: _____

The extra copy of this consent form is for your record.

AUDIO USE INFORMED CONSENT FORM

As part of this research project, we will be making a digital audio recording (via an Olympus VN-541PC Digital Voice Recorder) of you during your participation in the study. Please indicate below that you give your consent for the recording, for review and transcription of the recording by the researcher. If you do not initial the space below, the digital audio recording will be deleted. If you would rather that the audio recording not be made in the first place, you may request that now and the Teacher on Special Assignment (TOSA) or Classroom Teacher will take notes on paper instead.

At the completion of the study, the digital audio recording will be deleted.

The digital audio recording can be studied by the research team Please initial _____
for use in the research project.

I have read the above description and give my consent for the use of the digital audio recording as indicated above.

Signature: _____ Date: _____

Printed Name: _____

The extra copy of this consent form is for your record.

APPENDIX K

National Institutes of Health Certificate of Completion

