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Effectiveness of an Online FERPA Training Program

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EFFECTIVENESS OF AN ONLINE FERPA TRAINING PROGRAM

A dissertation submitted
at Marshall University

In partial fulfillment of the requirements
for the degree of

Doctor of Education
in
Educational Leadership

Sonja G. Cantrell

Approved by:
Teresa Eagle, Ed.D. Committee Chair
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College of Education and Professional Development
Marshall University
2016

SIGNATURE PAGE

I hereby affirm that the following project meets the high academic standards for original scholarship and creative work established by my discipline, college, and the Graduate College of Marshall University. With my signature, I approve the manuscript for publication.

Project Title: Effectiveness of an Online FERPA Training Program

Student's Name: Sonja G. Cantrell

Department: Leadership Studies

College: Marshall University

Teresa Cagle — Committee Chairperson

Date 4-25-16

ii

Dedication

TJ,

Thank you for being my sounding board, for listening to me talk about FERPA more than any one person should ever have to, for your support, for advice (whether, I took it or not), for your encouragement, for calming me down, for……. everything. I could not have done this without you.

Always

Acknowledgments

To my family, Tammy, Carter, and Tatum, for always inspiring me and being so understanding and patient with me throughout this journey… No more FERPA, for a while, I promise ☺

There are numerous friends, family, and colleagues - too many to name - who provided support and encouragement throughout this process… For that, I will always be grateful.

I am indebted to my fellow West Virginia Registrar colleagues for devoting time they did not have, at the end of a term, to discuss the state of FERPA training on their respective campuses. I am appreciative to the Marshall University community members who participated in the study, who encouraged others on campus to actually complete the survey, and for the feedback they provided.

Thank you to MUOnline Instructional Designer, Kristen Huff, for patiently answering every question I had and assisting with Blackboard set up for my study.

Thank you to Dr. Edna Meisel for her expertise in statistics and assisting me with the SPSS and data analysis process. A special thank you to Dr. Ron Childress for advice and guidance, as well as many other members of the faculty, staff and administration at Marshall University and the College of Education and Professional Development for their advice and guidance.

My deepest gratitude goes to Dr. Teresa Eagle, for agreeing to serve as my chair and for guiding me through this process even though she probably did not have the time to do so.

My heartfelt thanks to my remaining committee members, Drs. Michael Cunningham, Lisa Heaton, and Corley Dennison for providing feedback and support that helped strengthen my study and immeasurably improved my experience in the program.

ABSTRACT

This two-phase study focuses primarily on improving faculty and staff knowledge as it relates to the Family Educational Rights and Privacy Act of 1974 (FERPA). Phase one of the study examined the current FERPA training practices at four year, public higher education institutions in West Virginia via an interview process, using a mixed quantitative and qualitative design. Phase two of the study determined the effectiveness of an online comprehensive FERPA training module as compared to an online simple notification of the FERPA regulation module, and whether either significantly increased the level of FERPA knowledge among faculty and staff at one higher education institution in West Virginia. The population in phase one included the nine Registrars employed at four year public institutions in WV. The population of phase two was a convenience sample that included randomly selected, full time faculty and staff at one specific public four-year higher education institution. The analysis of phase one indicated that the majority of faculty and staff receive no formal campus wide training related to FERPA regulations. Based on the findings of phase two, a comprehensive, in-depth training indicates a greater benefit in FERPA understanding than a simple reading of the regulation. However, even simple exposure to the FERPA law can increase awareness if a comprehensive FERPA training program is not available. The results of this study support more in-depth, regular FERPA training for faculty and staff at all higher education institutions.

Table of Contents

Appendices

List of Tables

List of Figures

CHAPTER ONE

Introduction

The Family and Educational Rights and Privacy Act of 1974 (§ 513 of P.L. 93-380), also known as FERPA or the Buckley Amendment, in honor of the law's proponent, Senator James L. Buckley of New York, was enacted by the United States Congress and was designed to protect students' rights and privacy in regard to their information and educational records. Although this legislation is familiar to most college administrators, faculty and staff may not always be aware of the FERPA law requirements, and therefore may not know when they are in violation of the law. Even if they are generally aware of the law, they may not understand the specific guidelines associated with it or the ramifications for failing to properly observe the law.

Currently, the United States Department of Education Family Compliance Office, a part of the United States Department of Education, is charged with the enforcement of FERPA. If an institution and/or the employees of an institution violate the FERPA law it may result in loss of federal funding and/or litigation.

In general, at most institutions, there is a lack of FERPA knowledge among the faculty and staff and efforts to disseminate that information and improve knowledge and compliance is almost non-existent (Hillison, Pacini, & Williams, 2001). Therefore, the intent of this study is to determine the type of FERPA training currently offered to faculty and staff at public four year institutions of higher education in West Virginia and the effects of online training on actual knowledge of FERPA requirements by faculty and staff employed at one of the higher education institutions. In a January 2016 survey conducted by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), one of the key findings was that if training is offered, it is often face to face and is not required. Further results of this survey that focused on

1

institutional FERPA training practices found that some institutions do have employees who deal with student records to sign a form stating that they understand FERPA, although training is not required (AACRAO, 2016). Additional findings of this study indicated that of the 878 useable responses to the survey, 95% of the respondents saw the value and importance of a short online FERPA training course (AACRAO, 2016).

Background

Until 1974, there were no legal ramifications in place if a college or university released student records or provided information to a third party without a student's consent. Legislative representatives felt there needed to be a law created that would provide students legal protections of their privacy and educational records. Legislators deemed it necessary to create this law that would prevent institutions from releasing nonconsensual student information to a third party. If an institution released information without the student's knowledge and permission, a third party could use that information in an improper way or use it to damage that student in some way (Shurden & Shurden, 2010).

According to the United States Department of Education website (2011), FERPA essentially protects a student's privacy in relation to his/her educational records and prohibits the release of personally identifiable information derived from educational records. The Buckley Amendment was originally introduced due to disclosure issues of elementary and secondary schools during a debate over the *General Education Provisions ACT (GEPA) of 1974 (* § 438) called the protection of the rights and privacy of parents and students. Higher education was added to the amendment subsequently at the last minute (Advisory Commission on Intergovernmental Relations, 1981). The law applies to all K-12 schools and higher education institutions that receive funds under an applicable program of the U.S. Department of Education,

such as but not limited to grant programs, Title IV federal aid, and Free Application for Federal Student Aid (FASFA).

Under FERPA, students have a right to review their academic records, have some privacy control over the release of directory information, and are allowed the opportunity to correct errors in their academic records. Information not covered under FERPA is described as directory information. Directory information, as defined by the FERPA law which was established in 1974 and amended in 2010 (U.S. Department of Education (2002), is a student's name, address (including email address), telephone listing, date and place of birth, major field of study, participation in nationally recognized activities and sports, height and weight of members of athletic teams, dates of attendance, degrees, and awards received (20 6.S.C. § 34 CFR Part 99, 2012). Legally, students must be informed of their FERPA rights. The student has the ability to opt out of directory information by selecting confidentiality, which means that no information will be released. Institutions may disclose, without consent, "directory" information such as a student's name, email address, mailing address, telephone number, date and place of birth, honors and awards, and dates of attendance. Only higher education employees who have a legitimate educational interest may review a student's information, directory and non-directory, without the student's consent (FERPA, § 513 of P.L. 93-380).

Many professional organizations provide guidance relative to FERPA such as The American Association of Collegiate Registrars and Admissions Officers (AACRAO) and Student Affairs Professionals in Higher Education (NASPA). Higher education organizations such as these assist institutions in interpreting the law as well as disseminating best practices in the field. The institutions' responsibility to notify students of their privacy in regard to student educational records is part of the FERPA law. AACRAO (2010) also provides specific guidance with

respect to FERPA, student notification, standards for proper record retention, and institutional compliance (AACRAO: Retention of Records).

FERPA Knowledge Among Faculty and Staff

Even though FERPA may be a familiar concept to those individuals associated with a college campus, many faculty, administrators, and staff members do not know the actual intent of the law or what information may be released and to whom (Turner-Dickerson, 1997). This often results in violation of the federal law. As Werosh (2013) stated, FERPA violations occur as faculty and administrators perform their jobs. However, the violations are often unintentional and without malice. Typically, the well-intentioned faculty and staff violate FERPA due to a misunderstanding of the Act, participation in an inadequate training program or by not participating in a training program at all (Werosh, 2013).

Extensive FERPA knowledge among higher education faculty and staff members on a national level is not prevalent. In a 2006 study regarding faculty knowledge levels, Gilley and Gilley (2006) found that 41.8% of total responding faculty indicated a lack of familiarity with FERPA, 29.4% indicated slight familiarity, 26.5% indicated moderate familiarity, and only 2.3% indicated extensive familiarity with FERPA. In 2008, the Oklahoma State Regents for Higher Education Task Force conducted a study and concluded that there is a lack of observance of FERPA regulations on most college campuses. This lack of FERPA adherence is partly due to the absence of education for faculty and staff relative to FERPA (Oklahoma State Regents for Higher Education Task Force, 2008).

One specific public institution in West Virginia, as mandated by the Board of Governors (Marshall University, WV Code § 18 B-1-6, 2006) has the following policy to address FERPA directory information: name, address, email addresses, telephone numbers (permanent and

campus), date and place of birth, major field of study, dates of attendance, degree and honors and awards received and classification. In compliance with FERPA, this specific higher education institution (Marshall University, 2015) provides FERPA rights notification and disclosure information on the institutional website. However, as is the case at most institutions of higher education, most faculty and staff receive no training related to FERPA regulations. In the few offices that do require an agreement to adhere to FERPA regulations, the law is simply presented to the employee, with no associated training, and she or he is asked to agree to abide by the regulations. This limited presentation of the FEPRA law, with no accompanying training or discussion does not provide faculty and staff with the detailed information necessary for correct application of the law in work related situations.

The FERPA law must be followed and adhered to in order to protect a student's privacy and to avoid the loss of federal funding and personal/libel and university lawsuits. Because the FERPA law is very complicated, training is essential. Rainsberger (2012), a former Registrar also known as the "FERPA Doctor" for the Successful Registrar Journal, is a nationally recognized authority on FERPA. Rainsberger said that even he had a difficult time at first understanding FERPA. In fact, Rainsberger said that "it took several years and many re-readings and the help of many of my colleagues to understand what those regulations actually meant" (p. 3).

Ramirez (2009) stated that "the potential of losing government funding and grants is an ever present operational threat and it behooves institutions and their administration to become intimately familiar with FERPA" (p. 27) and all the provisions, liability and ramifications thereof. It is important to fully understand the regulations (Ramirez, 2009). Many higher education institutions are faced with FERPA knowledge issues and questions regarding how to

5

disseminate information to properly train faculty and staff. Friedel (2011), Registrar at Hamilton College, stated that a discussion about FERPA came up with a faculty committee. Some faculty was surprised to learn that they should not be sharing student academic record information without a signed release (Friedel, 2011). Gruler (2011), Registrar at California Institute of Integral Studies, stated that in his higher education experience, typically, the phrase 'financial aid' is what can get the faculty's and staff's attention. If FERPA is violated and that student seeks retribution, he or she could file a complaint with the Department of Education. After investigation, the potential outcome could be the inability of the institution to issue federal financial aid to students (Gruler, 2011). According to the Oklahoma State Regents for Higher Education Task Force (2008), there seems to be a lack of observance of FERPA regulations on the majority of college campuses that can cause legal issues related to privacy.

Jones (2004) stated that he believed that a web site should be created that offers student records and privacy information or a tutorial on FERPA. The site must be maintained and updated as FERPA is amended. Jones also noted that professional staff and administrators should be offered regular training on FERPA. According to the research conducted by Maycunich (2002) in support of her dissertation, minimal research actually exists in regard to training all higher education employees. However, she noted that some higher education institutions appear to realize the importance and responsibility that they have to adhere to FERPA. She stated that regularly conducted FERPA training is needed for the campus community and information about updates to FERPA must be disseminated frequently so all are aware of the FERPA law (2002). According to a study of faculty FERPA knowledge, Gilley and Gilley (2006) found that faculty members were not well informed about the FERPA law. Of

the three institutions where they conducted the study, none of the institutions provided communication or training to faculty in regard to FERPA.

FERPA Training

Although not the main focus of her FERPA study, in reference to FERPA compliance at Nebraska colleges and universities, Sayer (2005) stated that the participants in her study believed that overall they could 'do better' with FERPA regulations. The researcher also recommended three areas (resources, training, and procedure) on which institutions could focus in order to improve FERPA compliance. She stated that training faculty and staff members does not have to be complicated but is something that needs to be done, and suggested that institutions refer to AACRAO for guidance. As mentioned previously, AACRAO provides information and training materials for practitioners to train school officials on FERPA and their responsibilities. They provide basic information for faculty and staff, as well as an outline for the creation of workshops and/presentation materials (AACRAO: *FERPA Guide*, 2006).

Since FERPA violations could affect an institutions' federal funding, it is imperative that higher education employees understand FERPA. They must also stay current on court cases related to FERPA in order to avoid legal involvement and litigation. Because of the small amount of data regarding the knowledge level of, and adherence to, FERPA by higher education faculty and staff, Maycunich (2002) suggested that additional research be conducted on this issue.

Despite the mandate that institutions ensure compliance with FERPA, very few higher education institutions actually provide comprehensive FERPA training to faculty and staff (Werosh, 2013). However, in an effort to combat FERPA violations, several colleges and universities have FERPA training manuals and/or quizzes for faculty and staff on their websites.

Some other institutions have online FERPA training modules or modules located within their institution's online course delivery system such as Blackboard or WISE (Kohnke, 2012). In addition to the different FERPA notifications and training methods institutions use for their employees, the privileges afforded to those who complete the training vary among institutions as well. For example, some institutions require faculty and staff to review an online tutorial before they are allowed to review student records (FERPA training, n.d.) or to obtain access to the institution's student information system (Gironelle, 2012). Online training modules are ideal because of the cost and employee time savings and if an amendment to the FERPA law is made, updating the online material should be an easy process (Shinkerava & Benson, 2007).

Purpose/Problem Statement

The Family Education Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment, protects a student's privacy in relation to educational records and prohibits the release of non-directory information or personally identifiable information that is derived from educational records. After a string of revisions that strengthened its authority, FERPA is now one of the nation's strongest privacy laws (Rydell, 2009). The law has been revised several times since its inception, with the most recent amendment occurring in early 2012. An understanding of FERPA, based on the obligation of faculty and staff to uphold the law, is imperative in higher education. It is important in protecting a student's privacy and to avoid legal action.

The purpose of this study was to determine the effectiveness of a specific comprehensive online FERPA training program as compared to the effectiveness of current FERPA training methods. As an initial point of inquiry for this study, the researcher identified common FERPA training procedures for faculty and staff at the four-year colleges and universities in the state of

West Virginia. Next, the researcher determined if there was a significant increase in the understanding of FERPA regulations among faculty and staff who participated in a comprehensive online training program as compared to the increase in understanding of FERPA regulations among faculty and staff who participate in training that consists solely of being presented with the FERPA law.

Because this study was conducted with faculty and staff with varying levels of experience and areas of expertise, the results are generalizable to faculty and staff at other similar higher education institutions. In the second phase of the study, the survey given to the faculty and staff at one specific higher education institution was used to assess knowledge level of FERPA guidelines. The essential questions were selected to cover common areas of student involvement and/or contact that occur at institutions of higher education. The online FERPA training module developed for use in this study can also be utilized at other institutions as a mechanism for delivery of FERPA content.

Method

This study had two phases. Phase one included a mixed quantitative and qualitative design and determined current FERPA training practices at nine public four year higher education institutions in West Virginia. Registrars or designated Registrar's Office representatives at these institutions were asked to identify the current method of FERPA training used on their campuses by selecting one of the following answers: a) most faculty and staff on campus receive no training relative to FERPA regulations, b) the majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement, or c) a comprehensive training program is provided to the majority of faculty and staff. The Registrar's Office representatives were also asked their perception of the adequacy of FERPA training on

9

their respective campuses. The qualitative portion of phase one asked these respondents open ended questions to determine the details of FERPA training provided in both their individual offices as well as campus-wide. Additionally, respondents had an opportunity to comment on any difficult situations or issues they have encountered when trying to comply with the FERPA law, which might be addressed by FERPA training or a more in-depth comprehensive FERPA training program.

Phase two utilized a quantitative approach based on a new subset of a randomly selected sample population at one specific institution. The data collected in phase two of the study was used to determine if there was a significant increase in the understanding of FERPA regulations among faculty and staff who participated in a comprehensive online training program as compared to faculty and staff who participated in training that consisted solely of reading the FERPA law. In order to determine the difference in the effectiveness of a simple FERPA regulation reading and a comprehensive online training, a randomly selected control and test group of faculty and staff was provided with one of the FERPA trainings. A randomly selected experimental test group (Group One) of faculty and staff completed a pre-test, participated in a comprehensive online FERPA training module, and completed a post-test. The control group (Group Two) was pre-tested on their FERPA knowledge, presented with the basic FERPA law, and then retested, relative to their FERPA knowledge. The comparison results of these tests helped determine if there was a significant difference in FERPA knowledge levels of faculty and staff once they completed a comprehensive online FERPA training program as compared to faculty and staff who were simply provided with a copy of FERPA regulations in their online FERPA module.

Research Questions

The overarching issues that focus and guide this survey comparison study are the following four questions:

1. What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

2. What effect, if any, does an online comprehensive FERPA training module have on the knowledge levels of faculty and staff at one specific higher education institution?

3. What effect, if any, does a simple notification of the FERPA law have on the knowledge levels of faculty and staff at one specific higher education institution?

4. Is there a significant difference between the test group and the control group when FERPA information is presented in two different formats?

Definitions

Operational

- Current practices related to FERPA training: Current practices are identified by the responses to interview questions with Registrar Office personnel at West Virginia higher education institutions.

- Online professional development on FERPA: Online training module with definitions, examples, informational material, and quizzes.

- Knowledge level of faculty and staff: Information and comprehension of FERPA guidelines as measured by the scores on the quizzes.

- Notification of FERPA: A brief document describing FERPA law provided to participants.

Basic

- Control group: Randomly selected group of faculty and staff who were given a pre-test, an opportunity to read the FERPA regulations, and then a post-test.

- Directory Information: Directory information may include name, address (local, permanent, and email), telephone number (local and permanent), college/school of enrollment, major field of study, current enrollment status (including dates of attendance, full/part-time enrollment, withdrawn from classes), or previous institutions attended.

- Educational records: With a few exceptions, these are records containing information directly related to a student that are maintained by a school or its agent (including electronic records).

- Eligible student: This status occurs when an individual is considered an "enrolled student" and is protected by FERPA.

- Enrolled student: A student who has satisfied the institutions admission and/or other requirements in order to be qualified to attend (AACRAO: *Retention of Records*, 2010). The U.S. Department of Education's Family Policy Compliance Office allows individual institutions to define what they consider to be "enrolled" or "in attendance" to be in

12

accordance with their own enrollment policies and procedures (The Family Policy

Compliance Office *, Federal Register,* July 6, 2000, p. 41856).

- The Family Educational Rights and Privacy Act of 1974 (FERPA): Also known as the

  Buckley Amendment, is a federal law that protects the privacy of student "educational

  records."

- Legitimate educational interest: Legitimate educational interest exists when a school

  official needs to review an educational record in order to fulfill his or her professional

  responsibilities.

- Personally identifiable information: The individual information within a student's

  educational records that would make the student easily recognized.

- Test group: A randomly selected group of faculty and staff which was given a pre-test, an

  opportunity to participate in a comprehensive online FERPA training program, then a

  post-test.

- Survey responses: Answers used to measure faculty and staff FERPA knowledge.

Limitations

A limitation that could not be controlled for in this study is the fact that the data was self-reported. Personal experiences and other factors outside of variable controls may influence the result. The assumption of the study was that the respondents in the test group viewed the entire

training module prior to answering post-test questions related to their FERPA knowledge and understanding and answered the questions honestly on the post-test. The study also assumed that the control group read the FERPA law prior to answering questions on the post-test. Test and control group participants are employed at one public university within the state of West Virginia and, thus, may not represent faculty and staff at all institutions of higher learning.

Significance

This research was designed to determine if a comprehensive online FERPA training program would result in a greater understanding of FERPA regulations, and the ability of completers to apply those regulations in real-world situations, rather than a simple presentation of the FERPA regulations alone. In the event the results of this study determined that comprehensive online FERPA training was more effective, policy makers could use data to advocate for more in depth, regular FERPA training of faculty and staff at all higher education institutions.

A number of groups and individuals have multiple reasons to utilize the data from this study. University administrators have a legal responsibility to maintain confidentiality of student records and protect the safety of the student body. The results of this study may provide assistance in accomplishing this important goal. Student services offices and advisors must have an adequate understanding of FERPA as they speak with parents and other outside entities in order to avoid issues with disclosing protected student information. Student affairs staff and administrators must also have a firm grasp of FERPA regulations as they advise student groups, provide student advocacy, and ensure fairness to the student body. Administrators at all levels need to be able to provide FERPA training to their employees. Not only do administrators need to be able to provide FERPA training, administrators must also have a strong understanding of

the law as parents often contact administrators with issues or questions involving their student. The benefits of online training may assist the aforementioned groups in providing valuable FERPA information. The American Association of Collegiate Registrars and Admissions Officers (AACRAO) (2010) recommends FERPA training to any school official with legitimate educational interests, before allowing access to a student's educational records. AACRAO offers training guides, materials and other information related to FERPA. The United States Department of Education (2000) also encourages a process be in place to disseminate FERPA information and offers training materials. Members of higher education professional organizations such as AACRAO and many others may be interested in the results of this study in the event that they want to implement a similar training at their institutions.

The data from this research, coupled with the time and money saved by conducting an online comprehensive FERPA training, assisted in protecting the student's privacy and minimizing the legal liability of the university and its employees at a minimal cost. The data obtained from this study would be beneficial for any university employee who works with students and student information. FERPA training allows individuals to be more comfortable regarding what student information can be released, what cannot, and what constitutes an emergency situation that would allow student records to be released. By complying with the FERPA law, a university and its employees could avoid negative ramifications due to violations of the law.

Summary

There are numerous resources available to assist with the content development and implementation of a campus wide FERPA training program. In order to protect an institution and its employees from potential lawsuits and/or loss of federal funding, effective training

measures may be necessary to inform employees of FERPA regulations and to protect student

privacy and safety. Using a proactive measure, such as an online training program, to

disseminate important information, could protect all parties at a higher education institution from

potentially harmful and devastating consequences. The intent of this study is twofold: to

determine the current FERPA training practices at four year, public institutions in West Virginia;

and to determine the effectiveness of a comprehensive online faculty and staff FERPA training

program as compared to simple notification of the law.   The purpose of this study is to

determine if, and to what degree, a formal online FERPA training module can significantly

increase the level of FERPA knowledge among participants.

CHAPTER TWO

Literature Review

History of FERPA

The Family Educational Rights and Privacy Act of 1974 (FERPA) (§ 513 of P.L. 93-380),

also known as the Buckley Amendment, was named after one of the proponents of the law,

Senator James Buckley of New York. Governed by The United States Department of Education

Family Policy Compliance Office (FPCO), The Family Educational Rights and Privacy Act of

1974 (FERPA), is a federal law that protects a student's privacy in regard to his personal

information and educational records and prohibits the release of non-directory information

and/or personally identifiable information derived from educational records (United States

Department of Education, Family Policy Compliance Office, 2011). After FERPA was signed

into law, it drastically changed the way institutions handled student educational records in regard

to protecting a student's information and educational records. The law has also affected the way

faculty revealed student test scores, grades, and other academic related information.

According to the U.S. Department of Education's Advisory Committee on

Intergovernmental Relations (ACIR) Commission Report, *The Federal Role in the Federal*

System: The Dynamics of Growth (1981), The Buckley Amendment was originally introduced

due to disclosure issues of elementary and secondary schools during a debate over the *General*

Education Provisions ACT of 1974. Higher education was added to the amendment subsequently

at the last minute (1981). Because the amended version of FERPA was added as a last minute

modification on the Senate floor, the amendment was not subjected to Committee consideration.

Due to this, traditional legislative history as first enacted for most laws is not available for

FERPA (2002). There were several reasons legislative representatives felt there was a need for

FERPA.   The logic behind the law was that there needed to be legal protections that prevented

institutions from releasing student information without student consent to a third party that could

be used in an improper way that might be detrimental to the student. Essentially, the law would

be a way of protecting a student's civil rights. Another cause behind the creation of FERPA was

to prevent colleges and universities from maintaining and presenting fake records and student

information that could potentially be harmful to the student or released without the student's

permission or knowledge (Shurden & Shurden, 2010).

In August of 1974, President Gerald Ford signed this privacy act into law. The FERPA

law applies to all schools that receive funds under an applicable program of the U.S. Department

of Education (Hilton, 2008). Since Congress initially passed the amendment that would protect

the educational privacy and rights of postsecondary students (McDonald et al., 1999), Congress

has amended the FERPA law eleven times since its inception in 1974 (U.S. Dept. of Ed. FPCO,

2015). Due to initial ambiguities in the FERPA law, legal action, and court rulings, each

amendment has provided college faculty, staff, and administrators a more defined guide to

FERPA regulations and their obligations to adhere to the law to protect student rights (Daggett,

1997). Many issues related to FERPA guidelines have been brought before the judicial system to

be addressed and ruled upon. Those principles regulated by the courts in regard to FERPA are:

access, applications, directory information, discipline records, education records, grades and

grading practices, private cause of action, recommendation letters, student media and subpoenas

(Williams, 2009). Because of the related court decisions, standardized guidelines have been

established for higher education administrators to rely upon when they are attempting to protect a

student's educational records and privacy, yet determine when it is appropriate to disclose

information for health and safety reasons (Williams, 2009). Due to these amendments, FERPA's

authority has strengthened making it one of most protected privacy laws in the United States (Rydell, 2009).

The FERPA law protects a student's privacy in relation to educational records and prohibits the release of non-directory information and/or personally identifiable information derived from educational records. Under the FERPA law, students have a right to review their academic records, have some privacy control over the release of directory information, and are allowed the opportunity to correct academic record errors. Students also have the right to challenge information that could be released to a third party (NACE, Aug. 2008). Minimum directory information includes: name, address (mailing address and school email address), telephone number, date and place of birth, major field of study, participation in nationally recognized activities and sports, height and weight of members of athletic teams, dates of attendance, degrees and awards received, and grade level. However, the FERPA law does allow for some flexibility in defining directory information (Myers, 2013) so some institutions have an internal directory information policy that may include more items. FERPA regulations require institutions to inform parents and students about directory information and allow the student a reasonable amount of time to select confidentiality and request that the school not disclose directory information (Cantrell, 2013). Under FERPA, institutions must annually notify students of their educational privacy rights. The actual means of notification, whether letter, email, student handbook, website, or student newspaper, is left to the discretion of each college or university. Legally, institutions must comply with the federal FERPA regulations, but many institutions also have an internal FERPA policy that addresses the elements of directory information and notification procedures (Cantrell, 2013).

As mentioned, according to FERPA, directory information is releasable without student consent. Additionally, another caveat that allows the release of information without the student's permission is if a parent still claims the student as a dependent for income tax purposes or if there are concerns about the student's health or safety. If a student is in either one of those categories, parents can still access their child's educational record without permission from the student (McMillan & Ramirez, 2010). However, if confidentially has been checked, no information can be released, regardless of a person's reason for interest – legitimate or not. If a student is deceased, after proof of death is provided, educational records are no longer covered under FERPA.

As the FERPA enforcement agency, the U.S. Department of Education, Family Policy Compliance Office's (FPCO) mission is to meet the needs of learners of all ages. To accomplish this mission, this office must govern FERPA to ensure student and parental rights (2015). According to the United States FPCO, FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a college or university beyond the high school level. Students to whom the rights have transferred are defined as "eligible students." An eligible student is an individual who is considered an "enrolled student," is protected by FERPA. An "enrolled student" is one who has satisfied the institutions' admission and/or other requirements in order to be qualified to attend (AACRAO's FERPA Guide, 2010). The U.S. Department of Education's Family Policy Compliance Office allows individual institutions flexibility in defining what they consider the terms "enrolled" or "in attendance" to be so the institution may remain consistent with its own enrollment policies, procedures, and terminology (The Family Policy Compliance Office, *Federal Register,* July 6, 2000, p. 41856). According to Ithaca College Registrar Brian Scholten

(2015), FERPA does allow each institution the flexibility to define "in attendance".   However,

FERPA does somewhat limit the flexibility of an institution's definition of "enrolled" or "in

attendance". FERPA states that an institutions' definition of "enrolled" or "in attendance"

cannot be later than the first date in accordance with the academic calendar that the student

attends a class at that institution (Scholten, 2015). An "eligible student" or "enrolled student"

has the following rights protected under FERPA (1974) (20 U.S.C. § 1232g; 34 CFR Part 99):

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. 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.

- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record, setting forth his or her view about the contested information.

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

FERPA allows schools to disclose academic records, without consent, to the following

parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;

- Other schools to which a student is transferring;

- Specified officials for audit or evaluation purposes;

- Appropriate parties in connection with financial aid to a student;

- Organizations conducting certain studies for or on behalf of the school;

- Accrediting organizations;

- To comply with a judicial order or lawfully issued subpoena;

- Appropriate officials in cases of health and safety emergencies; and

- State and local authorities, within a juvenile justice system, pursuant to specific state law.

University and college officials, including faculty, staff, and administrators who are deemed to have a legitimate educational interest, are allowed to access a student's educational record. According to The American Association of Collegiate Registrars and Admissions Officers' (AACRAO) FERPA Guide (2010), to determine what constitutes legitimate educational interest for an employee, officials should consider whether the information would be necessary for them to perform appropriate tasks related to their job, perform duties related to a student's education, perform duties related to discipline of the student or to provide a benefit to the student such as counseling, job placement or other necessary services. AACRAO recommends FERPA training to any school official with legitimate educational interests before allowing access to a student's educational records (2010). The U.S. Department of Education (2011) goes on to state that further procedures must be in place so individuals with legitimate access to student personally identifiable information do not wrongly disclose said private student information to outside entities. Higher education institutions are responsible for utilizing reasonable methods to ensure school officials and representatives have access to only those specific student educational records, either paper or electronic, in which they have a legitimate educational interest in that is needed to perform the duties and responsibilities of their job (The Family Policy Compliance Office, *Federal Register*, 2000).

FERPA Research

Based upon scholarly literature, a research study conducted to determine the impact of a comprehensive FERPA training program on the knowledge level of faculty and staff as compared to the more common training practice that consists only of a notification of FERPA regulations could provide data to determine if current practices are effective or if a comprehensive online training program would be more beneficial. As found in 2008 by the Oklahoma State Regents for Higher Education Task Force, there is a lack of observance of FERPA regulations on most college campuses, which causes legal issues related to privacy. The task force concluded that this is partly due to the absence of education for faculty and staff relative to FERPA (2008). In order to avoid violating institutional policy, breaking federal law, potential law suits, both personal and institutional, and possible federal sanctions against the university, abiding by FERPA law is imperative. To accomplish this, faculty and staff should become knowledgeable about FERPA through a campus-wide, comprehensive training program.

Jones' (2004) dissertation researched university administrators and professional staff and their knowledge of FERPA by reviewing the amount of discretionary powers that they believed they had in regard to student privacy, and the flexibility they exercised within the policy. Jones suggested that because the FERPA law is broad and can be interpreted in different ways, each institution must establish a set of policies and procedures by which to abide. He also suggested that a website could be created that offers student records and privacy information or a tutorial on FERPA that is regularly updated. Jones concluded that "professional staff and administrators should be offered regular training on FERPA" (p. 132).

According to the research conducted by Maycunich (2002) in support of her dissertation, minimal research actually existed in regard to training all higher education employees. Her

research was conducted solely with university faculty, and she found that faculty often violated FERPA. However, she went on to note that some higher education institutions appear to realize the importance and responsibility that they have to adhere to FERPA (Maycunich, 2002). She suggested that FERPA training is needed for faculty and staff and it should be a joint venture by Registrars, legal counsel and human resources. She also mentioned that FERPA should be included in the faculty handbook and supplemental information provided (verbal at faculty meetings or written in emails, for example) to ensure all faculty are aware of the information. Additionally, she recommended that FERPA training be mandatory and, of course, an evaluation of these methods must be regularly conducted. According to another study of faculty FERPA knowledge, Gilley and Gilley (2006) found that faculty members were not well informed about the FERPA law. Of the three institutions where they conducted the study, none of the institutions provided communication or training to faculty in regard to FERPA.

In another study, which included four Carnegie classifications of master's and doctoral universities, Steinberg (2003) surveyed 400 Registrars to determine if there were differences in FERPA training, FERPA policy and procedures, and FERPA enforcement at their respective institutions. It was determined that there were no significant differences in the four levels of Carnegie classifications, as well as no statistically significant differences depending on whether the institutions were public or private. Steinberg found that there was minimal, if any, formal training conducted for Registrars or FERPA representatives at the institutions participating in the study. She did not broach the subject of other faculty or staff in her study but suggested training in her recommendations. Steinberg also suggested training across the campus for faculty, staff and administrators. In 2005, even though the FERPA law had been in effect for 30 years at the

time of her study, Sayer discovered that there were still issues with the way higher education institutions comply with and implement FERPA.

By utilizing AACRAO materials, Turnage (2007) conducted a FERPA pre-test, training, and post-test with school officials at the University of Southern Mississippi. The purpose of Turnage's study was to determine the existing FERPA knowledge level, if the knowledge level increased after training, and if the knowledge was retained. The results indicated that individual characteristics such as years of employment, tenure, and department did not significantly impact the level of FERPA knowledge. The post-test scores did slightly improve after the training.

Turner-Dickerson (1997) surveyed knowledge, practices and perceptions of Registrars of institutions who were members of the Association of American Universities (AAU). The findings of this study indicate that colleges and universities need to have FERPA information available to the entire institutional community. Most importantly, the results suggest training should be emphasized not only for university staff but also for faculty, who were the least knowledgeable and informed relative to the FERPA law.

Dobbins' (1987) study, in addition to using a questionnaire to survey Kent State University administrators relative to their FERPA knowledge and perception, also included the student population. The results found that non-academic administrators were most knowledgeable about FERPA. University administrators in general were more knowledgeable than both the undergraduate and graduate populations. Although most felt privacy was important, the lack of student knowledge of FERPA, among both undergraduate and graduate students, was evident.

In a similar study, Clay (2001) used a questionnaire to measure FERPA perceptions among students, faculty, and administrators at St. Petersburg College in Florida. The results of

this study found that the participant's role determined the amount of importance placed on FERPA and the student's privacy in regard to academic records. Students exhibited the greatest concern for FERPA protection but the faculty and administrators were more familiar with how FERPA safeguarded those records.

FERPA Compliance

In higher education, the implications of FERPA are evident in almost every aspect of faculty, staff, and student interaction. In spite of the broad application of the FERPA law, it is one of the most commonly misunderstood areas of compliance on college campuses (McDonald, 2015). FERPA is a very complex law with a high degree of nuances, therefore, in order to understand the varied implications of the regulations, training should be comprehensive in nature. Updates to the FERPA law and changing legislation can lead individuals to make incorrect assumptions and generalizations about the scope of the law and other legal requirements, which can easily lead to costly errors (McDonald, 2015).

According to Ramirez (2009), the FERPA law regulations and verbiage is very complex. Institutions have found that complying with FERPA is a challenging task (2009). Due to the complexity of FERPA and the variance in interpretation by college and university representatives, it makes it difficult for some to know what student information is truly protected and what information colleges can release. Because of the FERPA's complexity, higher education employees need to become familiar with the law, instead of hiding behind FERPA and using it as an excuse not to reveal information that could be released (Stratford, 2012). Although FERPA is regulated by the United States Federal Government, compliance with the regulations is the responsibility of university administrators (Buchanan, 2009). Administrators as leaders are expected to provide direction. By setting high moral and ethical standards related to FERPA,

they can be responsible examples to all they serve (Kanungo & Mendonca, 1996). Administrators should be held accountable for assisting employees to be successful by providing the training and tools they need to complete their jobs, while upholding the law.

Since federal compliance of FERPA is a university responsibility, FERPA training is essential. Many agencies in addition to FPCO provide FERPA training materials. Even though FERPA is federally regulated and monitored by the U.S. FPCO, other entities exist to help ensure and protect a student's privacy. One of The Student Press Law Center's purposes is to provide assistance to colleges that may misinterpret FERPA, intentionally or unintentionally, and assist them in correctly interpreting the law and legally remaining in compliance (Stratford, 2012).

Because of the importance of the FERPA legislation in higher education compliance and due to the legal ramifications if the federal law is broken, it is imperative to determine the level of understanding of the FERPA law among college and university faculty and staff. FERPA non-compliance has the potential for momentous consequences to an institution and/or individuals, including the potential loss of federal financial aid, lawsuits, and safety issues. McElmurry-Green (2013) stated that although the interpretation of FERPA can be somewhat ambiguous, it is up to the institution to understand the law correctly and ensure that the information is disseminated in order to maintain compliance.

University employees are responsible for protecting all student information to which they have access and for safeguarding the student's privacy. The basic rule of FERPA is that information must not be released to third parties outside of the institution who do not have a legitimate educational interest, including parents of students, without the student's written consent, or a subpoena court order. If federally protected information is released, it could result

in the loss of institutional federal financial aid funding. With no federal financial aid funding to award to students, new student recruitment would be severely compromised and there would be serious negative effects on overall institutional enrollment (Styles, 2015). In a letter to colleagues in higher education issued by the Department of Education (2015), Styles, Chief Privacy Officer, stated that when institutions choose to release nonconsensual student educational records, consideration should be given to the impact of disclosing this information. The decision to release should be given great thought and should only be shared under the rarest circumstances. If it is a legitimate release of information, school officials should only disclose the minimum information required or requested (Styles, 2015).

FERPA prohibits federal funding for institutions that release educational records without proper student consent (WeComply, 2012). If FERPA regulations are violated, not only could it bring legal action against the university, as well as individual lawsuits, it can also cause an institution to lose federal financial aid funding. A loss of federal funding would be extremely detrimental to most institutions, including the institution used in this study at which, according to the 2012 University financial aid website, 74% of the undergraduate student body received some type of financial assistance to attend college (*Marshall University Financial Aid, 2012*). Fry (1999) investigated what actions were taken when FERPA was violated. She found that a serious breach of information protected by FERPA that was intentional and malicious in nature indicated complete ignorance of FERPA. She went on to state that intentional violations should evoke disciplinary actions to the individuals to prevent future purposeful infractions. Daggett (1997) explained that financial ramifications of a FERPA violation may encourage greater compliance. For instance, a monetary award to the student who may have had his/her privacy rights violated; as well as a formal reprimand to those employees or the institution (Daggett, 1997).

Legal Ramifications

If the FERPA law is broken, potential legal action could be taken against the institution, as well as personal libel and slander suits against the individual responsible for the breach. As stated by Graham, Hall, and Gilmer (2008), FERPA was initially implemented to address a systematic issue of privacy protection not created to address individual violations of an unauthorized release of a student's personally identifiable educational records. From the beginning, The Department of Education and the Family Compliance Office has had the authority to take action against FERPA violators. In 2002, The United States Court of Appeals for the Sixth Circuit stated that the Department of Education and the Family Compliance Office could go as far as taking preventative steps in the enforcement of FERPA rather than only after the violations had occurred (Rooker, 2014). According to Rooker (2014), the courts stated that nothing can undo the damages and/or harm once a student's privacy has been violated and personally identifiable information has been publically released.

Publicized lawsuits would cause serious harm to student recruitment, retention, and enrollment and could also cause a significant decrease in alumni and community support. It is important to protect a student's information and privacy in order to avoid legal action. One of the reasons behind the creation of FERPA was to legally prevent incorrect or inappropriate student information from being released without the student's consent. Educators could use or share a student's educational records at their own discretion regardless of the student's knowledge or consent (Edmonds, 2009). Lake (2009) stated that before FERPA creation, a college or university could share potentially harmful information with an employer, regardless if it was legitimate information or not, without the student's knowledge or permission. Even today, according to Gilley and Gilley (2006), the disclosure of academic records without the student's

consent is the most common FERPA regulation that is violated by university faculty and administrators.

One well known lawsuit where FERPA was violated involved Gonzaga University. The case was Gonzaga University and Robert S. League vs. John Doe, 536 U.S. 273 (2002). The student sued and the jury found in favor of the student citing a violation of his confidentiality rights. The Washington State Court of Appeals reversed that decision. However, when the case was taken to The Washington Supreme Court, the jury sided with the initial jury's decision in favor of the student. The Washington Supreme Court reinstated the damages awarded to the student, awarding him $1,155,000, including $150,000 in compensatory damages and $300,000 in punitive damages on the FERPA claim (2002). A decision by the U.S. Supreme Court in the court case of Gonzaga University and Robert S. League vs. John Doe (2002) ruled that students cannot pursue a private cause of action under FERPA, but they can pursue action under the Common Law remedy such as a libel or a slander suit if they feel their records have inappropriately been released or their privacy compromised.

AACRAO's Retention and Records (2010) states that "…. coupled with innovations, socio-cultural developments have increased the potential for direct or indirect institutional involvement in litigation" (p. 1). In order to avoid these situations, effective FERPA training should be mandated and conducted with all university employees.   Edmonds (2009) believed that educators must have a FERPA understanding to avoid litigation. There are many legal and ethical implications in the management of student records that school officials must be aware of. In agreement with Edmonds, McDonald (2015) stated that not only should an institution's Registrar's office, legal counsel, law enforcement, and other student services areas be familiar and knowledgeable about the law, but, faculty, IT staff, and administrative personnel must

understand the correct applications of FERPA to avoid common errors and misinterpretations of the law. Comprehensive training is essential to ensure an institution's FERPA compliance. As Oliver (2008) stated, it is far better to be proactive so that the institution plans ahead and has measures in place in order to protect assets, people, and information, than to violate FERPA and be the test case in the court system for not being preemptive. He stated that lawyers sometimes refer to this as 'due diligence' (Oliver, 2008). Oliver (2008) went on to say that "sometimes even when legislation is in place, it takes 'due diligence' to ensure that your institution is complying with both the letter and spirit of the law" (p. 38).

Williams (2009) stated that higher education employees must have a firm grasp on FERPA in regard to understanding the student's rights and privacy. They must also be aware of the nuances involved regarding appropriate situations where disclosure is allowed and when restrictions prevent the disclosure of information. This must be done in conjunction with protecting the institution and safeguarding the institution's best interest. It is imperative for higher education administrators to be familiar with litigation and court decisions surrounding FERPA along with understanding FERPA amendments (Williams, 2009). In the case of Darnell Rhea vs. The District Board of Trustees of Santa Fe College (2013), an adjunct professor, Darnell Rhea, at Santé Fe College sued the college on a matter related to FERPA. A student in one of Rhea's classes sent an email to the Chairman of the department at the college complaining of Rhea's behavior in class. The Chair removed the student's name and presented Rhea with a copy of the email, but Rhea wanted to know the student's name.

Because of FERPA, the Chair would not release the name of the student, prompting Rhea to file two complaints. The first complaint was filed because Rhea felt the Chair unlawfully would not release the student's name to him. Because his behavior was in a public classroom

and the name was public record as directory information, Rhea thought that the student's name should be released. Rhea did not feel that the student's name was protected under FERPA and an email should not be considered part of the student's educational record. The Chair refused because the student had not given written consent for the name to be released, therefore, the student's name could not be released. Rhea's second complaint was because he felt the college did not follow its policies and procedures in regard to the student complaint. Rhea was released from the college and sued for lost compensation due to the allegations. However, the court ruled in favor of Santa Fe College. The Judge cited that because the email pertained to the student's personal feelings about the occurrences in the course, then FERPA did cover the student's rights (2013).

Recently, the United States Department of Education, the Family Policy Compliance Office provided clarification in regard to "educational records" and student medical records, including mental health services at higher education institutions. As many colleges and universities offer health services to students, FERPA needs to be considered when releasing these records (Styles, 2015). As FERPA allows disclosure of education records to employees with legitimate educational interests, these educational records do also include medical records. Styles (2015) further stated that cases where litigation occurs between the institution and the student, consideration to release medical records (including counseling services) should be interpreted to offer the same privacy as covered under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule, 45 C.F.R. §§ 164.501, 164.506, and 164.512(e). Institutions that are involved in litigation with a student should not share student medical records, unless presented with a court order or the student has given written consent to

the institution's legal counsel or the court system unless the actual litigation relates directly to the medical records, in regard to treatment or payment of the medical services (Styles, 2015).

As previously mentioned, governed under the United States Department of Education, the Family Policy Compliance Office (FPCO) gives colleges and universities the autonomy and flexibility to determine and define at what point they consider a potential student be deemed to be "enrolled" or "in attendance" so it will align with the institutions' enrollment policies and procedures (2000). However, due to a lawsuit in 2002, the United States Supreme Court was called upon to decide at what point education material produced by a student officially became maintainable student "educational records" in accordance to FERPA coverage. Although it involved high school grades, FERPA was still the focal point of the court case, titled Owasso School District v. Falvo (2002), which was ultimately heard by the highest court in the United States. At a high school in the Owasso School District in Oklahoma, a high school teacher gave a quiz and then had the peer classmates grade each other's quiz and state the grade aloud in class (O'Donnell, 2003). One parent, K. Falvo, requested that this grading procedure be stopped. When school administrators denied her request, Ms. Falvo sued on behalf of her minor children citing that the public school district's grading practice violated the student's privacy rights under FERPA. According to O'Donnell (2002), the case then was reviewed by the Supreme Court. The Supreme Court Judges then had the responsibility of determining when student tests, for example, officially became an "educational record" that must then be "maintained" by the public school. The outcome of the litigation stated that if students exchanged tests that had not been submitted to a school employee and grades had not yet been collected and "maintained" by a school official, then the tests did not meet the definition of an "educational record" (O'Donnell, 2003).

In regard to what is deemed a part of an educational record, another court case addressed the release of student personally identifiable information in terms of disciplinary records. In 1995 an editor of an Ohio college newspaper requested information on disciplinary actions in order to track campus crime trends (2002). When the information was released with redacted information, the editors filed action with the Supreme Court requesting full disclosure of student disciplinary records sans the student's name, student ID number and/or social security number (2002). In 1998, the US Justice Department, acting on behalf of the U.S. Department of Education, believed that these circumstances required FERPA to be enforced (2014). Therefore, the case was brought to a federal district court in Columbus, Ohio. The US Justice Department asked the courts to order Miami University and the Ohio State University not to release institutional disciplinary records containing the names of student victims and accused students as unauthorized release of student information is prohibited under FERPA (2014). After hearing the case, the Ohio Supreme Court concluded that university disciplinary records were not a part of "education records" as covered by FERPA (2002). According to Rooker (2012), in 2002 the United States Court of Appeals for the Sixth Circuit agreed with the lower court's original ruling from 2000. In 2000, U.S. District Court for the Southern District of Ohio required the two Ohio universities to permanently refrain from disclosing their on-campus disciplinary records to the public without a student's consent (2014). The Sixth Circuit's court supported the 2000 lower courts' stance and stated that university disciplinary records are "education records" protected by FERPA. Any release of disciplinary records without student permission would be a FERPA violation (2014), however, arrest records would be public information.

According to Edmonds (2009), as litigation increases in the educational environment, higher education administrators should have an understanding of the FERPA law and the legality

and ethical repercussions involved in student education record collection, maintenance, and dissemination of student records. As FERPA governs student records, case law demonstrates numerous opportunities for potential litigation and ramifications. An increased understanding of FERPA can help prevent and avoid these potential situations. Higher education officials must not only have an understanding of the FERPA law but also the far reaching overlapping interactions it could have with other laws and court decisions (Edmonds, 2009).

The Patriot Act intersects FERPA in regard to legalities, safety, and privacy. The Patriot Act, passed by Congress just weeks after the September 11, 2001 terrorist attack, expands the United States Government's abilities to monitor suspected terrorist activity (Grabianowski, 2007). Groups such as the American Civil Liberties Union (ACLU) were concerned with the violation of civil liberties and infringement of an individual's rights and privacy (2015). The Patriot Act traverses FERPA in the fact that the Privacy Act can cover additional aspects of a student education and privacy other than what is deemed the student's academic records as covered by FERPA. In a revision to the Patriot Act, an amendment was added in what Mitrano (2012) calls the "health and safety exception for everyone else" clause in events such as a case of a terrorist investigation. This amendment helps college administrators become aware of what type of information can be released in certain circumstances. A violation of the Patriot Act could prove very harmful not only for safety reasons and litigation but also could be harmful to the reputation of institutions (Mitrano, 2012). Other Amendments, Acts, and laws have been passed that intersect with FERPA. For example, for military recruitment purposes, branches of The United States Armed Forces can request a list of enrolled student names and addresses from an institution under the Solomon Amendment (Farrington, 2012). Under the Solomon Amendment, without student consent, "(Military) Recruiters may receive student recruiting information for

either the immediately previous, current or future term for all students, aged 17 and older, who are/were registered for at least 1 credit hour in the requested semester/term" (AACRAO: *Solomon Amendment Guide*, 2001, p. 3).

Safety Considerations

It is also essential that university personnel be familiar with the FERPA law when there are health and safety concerns for individual students or the student body. Individuals must be knowledgeable of the law when determining if, when, and what information can be released during an emergency. With little time for decision making when a campus crisis or student accident occurs, individuals charged with the oversight of student information must have a clear understanding of what information can be released in emergency situations and must be able to make that determination at a moment's notice. Health service employees and campus police would be interested in findings related to FERPA knowledge levels as they train new staff members to protect students during a crisis.

The proliferation of violence on campuses, when coupled with institutional responsibility for protecting a student's privacy, can create a major dilemma for college administrators.   In 2010, Gilbert found that, prior to the 2007 shooting at Virginia Polytechnic Institute and State University (Virginia Tech/VT), FERPA training had been conducted for campus employees at that institution. According to Gilbert, the 2007 Virginia Polytechnic Institute and State University (Virginia Tech) shooting tragedy proved that faculty and staff, who had previously had some FERPA training provided by the institution, did not know what type of student information they could release even in the event of an emergency (2010). In light of the shooting, the researcher felt that training should be expanded to include health and safety concerns. Gilbert (2010) stated that "employees did not have a clear understanding of which information

they could or should share in response to a threat to health and safety…" (p. 45).   Boyle (2010)

concurred that there was confusion and inconsistencies in how higher education administrators

were interpreting FERPA by limiting what they felt was releasable information in regard to

sharing information with the students, parents, and the community about students who may be a

threat or, as in the case of VT, mentally unstable. Boyle's assessment was further proven the year

after the VT incident. In 2008, a former Northern Illinois student shot and killed several students

at Northern Illinois University. As with VT, administrators were conflicted as to what pertinent

information should be released in an emergency and still remain in compliance with FERPA.

After the VT incident, it was evident that it was a necessity for college and universities to

require FERPA training to promote a greater understanding of the law (Harvey, 2011). In

another study regarding campus safety after the Virginia Tech tragedy, Harvey concluded that

"employees do not understand what information may be shared under FERPA as well as what

information is not subject to FERPA regulations" (p. 127). Greer (2012) found that from the

higher education institutions she surveyed, the majority almost always disclose information

covered by FERPA during safety and other health related emergency situations. In addition to

disclosing student information typically covered under FERPA during safety emergencies and

health emergencies, institutions may also disclose court or hearing decisions to the victims of

violent crimes, and student alcohol and drug violations to parents (Greer, 2012).

FERPA Law Caveats

Rooker, Falkner, and Gulick (2013) stated that the premise of FERPA seems

straightforward and obvious. The law says to protect student privacy and to not release

personally identifiable information without a student's consent. But, in reality, due to all of the

FERPA nuances, what appears to be a simple information request can quickly spiral into an

unnavigable complex legal maze. According to the authors, there are many standards to consider pertaining to FERPA (2013). First, it must be determined if the requested information is actually considered an officially "maintained" educational record. If it does meet the first statute, the institution must determine which area of the FERPA law, access, amendment or disclosure, is relevant to the request. If the institution does not have written permission from the student to release the information, the institution must consider if the information is non-directory or directory information. If it is the latter, it would be considered releasable student information, but the institutional official also must verify that the student did not opt out of the directory information clause and select confidentiality (Rooker, et al., 2013). After all of the aforementioned considerations, the request must be reviewed and determined if it meets the standards for one of the 16 exceptions to the requirement for consent, Rooker (2013) said. Some of those 16 exceptions to FERPA include, but are not limited to, situations involving subpoenas, parents of a dependent student, health or safety emergencies, substance abuse, and violent offenses (Rooker, et al., 2013).

According to a FERPA Essentials webcast by WeComply, the FERPA law contains numerous caveats, exceptions, and gray areas that vary depending on the situation and/or individuals involved. It is absolutely essential that college and university representatives understand the FERPA law and their responsibilities to protect a student's rights and privacy (2012). One exception to releasing directory information would be if the student selected confidentiality. If the student opts for confidentiality, directory information cannot be released. Those who have access to non-directory information are school officials with legitimate educational interest, other institutions that a student transfers to, specified officials for audit or evaluation purposes, appropriate parties in connection with financial aid to a student,

organizations conducting certain studies for, or on behalf, of the school, accrediting

organizations, to comply with a judicial order or lawfully issued subpoena, appropriate officials

in cases of health and safety emergencies, state and local authorities, within a juvenile justice

system, pursuant to specific State law. A caveat to releasing non-directory information to others

not listed would be if a FERPA release was signed by the student or written consent by the

student allowing access to their records (Van Dusen, 2012). As Garrett (2013) stated, a situation

must be vetted to determine legitimacy. The law states that you may release directory

information, but it is not required for you to do so. If you are in doubt of releasing information,

the best philosophy to follow is to not give out the information (Farrington, 2012). Another

caveat to remember as National Student Clearinghouse Representative Lisa Black (2012)

recommended, is that once students have attended your institution, whatever your institution

defines as an enrolled student, the student's rights are protected by the FERPA law for the

remainder of that student's life. It does not end once a student departs the institution and/or

graduates. FERPA is still enacted for the institution's' alumni as well. Deceased students,

however, are not covered by FERPA (Houdyschell, 2010).

Another potential reason that an institution may release a student's educational records

that are non-directory and personally identifiable without the student's consent is when the

institution is presented with a judicial order or lawfully court issued subpoena which requires

compliance by the institution (Houdyschell, 2013). However, the institution must practice due

diligence in attempting to alert the student to the legal request of their educational records in

advance of releasing the information (Houdyschell, 2013). The student must then be given a

sufficient amount of time to respond to the request (Cantrell, 2013). If a student does not

respond or attempt to quash the motion, the information can be released (Cantrell, 2013). The

FERPA regulations have an exception to the caveat of the student notice requirement in the event their educational records are lawfully requested. The student would not be notified if the institution is not going to comply with the subpoena or a federal grand jury or law enforcement subpoena specifies that the student is not to be informed of the subpoena's existence requesting his/her educational records (Houdyschell, 2013).

FERPA Training

According to Graham, Hall and Gilmer (2008), FERPA was initially adopted to address systematic issues. The original law was not focused on individual violations of student privacy or unauthorized releases of personally identifiable information in a student's educational records. Proactive measures, such as online training programs, developed to disseminate important information campus wide, could safeguard a higher education institution, and its students and employees from potentially harmful consequences.

AACRAO provides leadership in policy, interpretations, standards and best practices for higher education administrators in the fields of admissions and Registrar/record keeping around the world. AACRAO offers training guides, materials and other information related to FERPA. The goal of AACRAO's FERPA training guide (2006) is to provide guidance and improve the FERPA knowledge level of collegiate employees. The U.S. Department of Education's Family Policy Compliance Office (FPCO) (*Federal Register,* 2000) also states that an institution needs to have a process in place to ensure that only the appropriate parties with legitimate educational interest are privy to personal student information. As mentioned, The U.S. Department of Education's FPCO (*Federal Register,* 2000) recommends that processes and procedures be in place so individuals with legitimate access to student personally identifiable information do not wrongly disclose said private student information to outside entities. Higher education

institutions are responsible for ensuring that school officials and representatives have access to only those specific student educational records, either paper or electronic, in which they have a legitimate educational interest so that they may perform their job duties (U.S. Dept. of Ed. Family Compliance Office, 2015).

AACRAO (2010) suggests guidelines for notifying students and standards for record retention. AACRAO (2006) provides training material and other information in regard to FERPA in order to inform and improve the knowledge level of collegiate employees. Many other higher education professional organizations such as The National Association of Student Financial Aid Administers (NASFAA), The National Association of Student Affairs Professionals in Higher Education (NASPA), The National Association of International Educators (NASFA) and The National Association for College Admission Counseling (NACAC) also encourage and support FERPA training for higher education employees.

FERPA 101: FERPA Basics, presented by Ellen Campbell (2011), then the Acting Director of U.S. Department of Education's Family Policy Compliance Office, also provided training material to better inform individuals and provide guidance on FERPA regulations. These training guides are just a few resources that can prove invaluable in improving college employee's knowledge on FERPA. Numerous colleges and universities realize the need for training and have relied on these tools to implement FERPA training on their campuses.

Additionally, many for profit, third party providers offer training and services in order to assist institutions in maintaining FERPA compliance, such as Innovative Educators, Josey –Bass, Higher Ed Hot Topics, Inside Higher Ed, and Audio Solutionz LLC to name a few. In Ramirez's 2009 book, *FERPA clear and simple: The college professional's guide to compliance,* he provides guidance and directives based on his higher education experience regarding FERPA.

41

The book also details how to provide training campus wide to staff in student affairs, academic departments, and to those in administrative support positions. The directives in the book help to support higher education employees at varying levels to understand the complexities of FERPA and remain in compliance with FERPA guidelines (2009). Creating an information security and privacy awareness training program is often a frustrating, challenging and sometimes a thankless task. However, the rewards and benefits of providing personnel with the security and privacy information that they need to do their jobs and follow the requirements of the law far outweigh the negative ramifications of not having such a program (Herold, 2011). Regardless of how training is delivered, it is a necessity when a student's privacy is at stake.

An analysis of the privacy disclosure procedures was conducted at one public institution in Ohio in 2005 (Hudson, et al.). The study specifically focused on procedures for student educational record disclosure of the FERPA policy. The research indicated that although the university was FERPA compliant in theory, and the current policy was adequate in functionality, FERPA training was needed campus wide. The researchers indicated that it would be prudent if the institution would launch a campus-wide marketing and knowledge campaign about FERPA to increase awareness among the faculty, staff and students (Hudson et al., 2005).

In 2010, Nucci conducted a longitudinal research study regarding FERPA and court trends.   In Nucci's findings, he suggested that more research needed to be conducted to measure the FERPA knowledge level of public postsecondary administrators and staff (Nucci, 2010). To avoid any potential consequence of a FERPA violation, institutions must ensure that faculty and staff are provided with adequate training regarding FERPA rules and regulations. It is important for all offices on a college campus to determine what type of FERPA training is necessary to ensure compliance with the law. Student Services offices, including but not limited to Financial

Aid, Bursar, Admissions, and Registrar, must interact with students and parents on a daily basis, so the need for training of this group of staff members is obvious. The Registrar's Office would also be able to use this information to ensure proper protocol is followed when student records are subpoenaed by a court of law. Equally as important is the need for campus-wide training for faculty and staff in order to avoid legal action against the institution or employees. Presidents, Provosts, and other senior level administrative staff, particularly those individuals with oversight of legal issues, should have a vested interest in the level of training that is necessary to ensure FERPA compliance for their campus and, thereby, avoid legal actions stemming from violations of the law. Those individuals would also find value in the findings of this study in order to ensure that faculty and staff FERPA training is effective and that violations are minimized or avoided.

Perhaps the most important goal of FERPA training is to educate ourselves on federal regulations to make sure the current practices are in compliance with the law. The FERPA law must be followed and adhered to in order to protect a student's privacy and to avoid the loss of federal funding and personal/libel and university lawsuits. Ramirez (2009) stated that due to the potential of losing government funding and grants because of a FERPA violation is always a potential risk, it is incumbent on an institution and its administration to be familiar with FERPA and all the provisions, nuances, responsibilities and ramifications. It is imperative to fully understand the regulations to avoid possible violations.

Maycunich's (2002) dissertation assisted in determining where gaps existed between what faculty should know about FERPA and their actual knowledge, as well as how they obtain that information. She stated that higher education institutions are obligated to provide their faculty, administrators, and staff with pertinent FERPA information and guidelines. In turn,

43

those faculty, administrators, and staff member must assume some of the responsibility for understanding FERPA in order to abide by the law. Although Maycunich's (2002) dissertation only focused on faculty at higher education institutions, she suggested that it was a narrow scope and that opportunities for additional FERPA studies are available. As Cantrell stated (2013), it is an essential higher education professional's responsibility to teach the campus community. As with other laws, FERPA can be fluid, so it is essential to stay abreast of changes and amendments. The responsibility to provide training and for maintaining compliance with FERPA must be taken seriously. Once adequate training is provided, individuals can make education 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).

Higher Education FERPA Training

The literature indicates that the majority of higher education institutions are concerned about FERPA compliance. Maycunich (2002) noted that some higher education institutions appear to realize the importance and responsibility that they have to adhere to FERPA. Although, the FERPA law has been in effect since 1974, FERPA compliance, interpretation, and implementation is still problematic for higher education institutions (Sayer, 2005).   In her findings, Maycunich (2002) suggested that FERPA training is needed for faculty and staff and it should be a joint venture by Registrars, legal counsel and human resources. She also suggested that FERPA be included in the faculty handbook and supplemental information sent (verbal at faculty meetings or written in emails, for example) to ensure all faculty are aware of the information. She also recommends that FERPA training be mandatory and, of course, an evaluation of these methods must be regularly conducted (Maycunich, 2002).

Educators in higher education face multiple challenges when performing their job functions. Knowledge and understanding of FERPA can provide those higher education individuals with the necessary tools crucial for the ethical and fair management of student records while safeguarding privacy (Shellenbarger & Perez-Stearns, 2010). It is essential that the FERPA law and institutional FERPA policies be communicated on a regular basis in order to regularly ensure campus compliance and avoid potential violations said Garrett in 2014. To avoid possible harmful situations for the university, university employee and/or the student, the entire campus must be kept up to date on FERPA. Communication to the entire campus is extremely important and necessary, but is especially important when FERPA regulations are changed or the law is amended (Garrett, 2014). To address that concern, some colleges and universities have implemented online training courses or modules and informational training websites. In contrast, however, many colleges and universities, at most, simply notify faculty and staff of the law and expect compliance based on that notification.

Many colleges and universities already utilize online learning as a delivery method for courses, student orientation, and various faculty and staff training modules. Incorporating online faculty and staff FERPA training modules into a required institutional training schedule could be a time and cost effective method for providing adequate FERPA training to faculty and staff, thereby decreasing the chance of FERPA violations and resulting legal actions.

At the University of Illinois, for example, faculty and staff must review the online tutorial and quiz from the Registrar's website in order to gain access to student records. According to the website, after the tutorial and quiz, faculty and staff will have an adequate knowledge base of the FERPA laws and policies that govern the acceptable use and release of student records. Additionally, after the training, employees will have a greater understanding of their

45

responsibilities in regard to compliance with the FERPA laws and policies, as well as, an understanding of the proper way to protect a student's privacy (*FERPA training*, n.d.). The University of Arizona's Registrar's Office offers an online web-course to educate its faculty and staff about the FERPA law. At the University of Arizona, in order to gain access to the university's student information system and other student records, faculty and staff must provide verification that they have taken this 20 minute course (*Family Educational Rights and Privacy Act of 1974 (FERPA) webcourse*, n.d.).

Research indicated that in order to address FERPA misunderstandings and avoid federal law violations, some institutions have developed FERPA training manuals, online modules, courses and tutorials concluding with a quiz for faculty and staff. There is always an overwhelming number of comments and questions regarding FERPA training, interpretation, and compliance posted on a popular email Registrar listserv Regist-L [REGIST-L@listserv.gsu.edu]. Numerous colleges and universities already have an online module in place and it seems that several which do not are interested in implementing one. The ramifications or results may vary at different institutions but the purpose is the same – FERPA training for employees.

California Lutheran University utilizes a Blackboard online course module for faculty and staff FERPA training. Associate Provost and Registrar at California Lutheran University, Maria Kohnke (2012), said that faculty and staff are required to complete the FERPA tutorial course and quiz in Blackboard. She said that any faculty or staff members, who do not pass the FERPA quiz, must retake the FERPA training and quiz until they pass the quiz. During the interim, if they have previously had access to student data, they may have that access revoked until a passing score is received. Then, the access to student data would be reinstated. For those employees who has either not taken the FERPA training and quiz or those employees who have

46

taken the training but not yet passed the quiz, will not have access to student data until they take the training and pass the quiz (Kohnke, 2012). Ninette Gironella (2012), Assistant Registrar at New York University (NYU), stated that NYU uses a similar online environment to deliver a FERPA video and tutorial. Like California Lutheran University, NYU employees must complete the quiz at the end of the FERPA course in order to be given access to their student information system (Gironelle, 2012).

Similar to the aforementioned institutions, the University of Medicine and Dentistry of New Jersey also utilizes an online FERPA tutorial. Again, after the FERPA tutorial, there is a quiz at the end of the training. Once the training is complete, an email goes to that person's supervisor and a Registrar's office staff member stated Susan Nelson (2012), University Registrar. Successful completion of the quiz will allow faculty and staff access to their student information system (Nelson, 2012).

The University of Arizona's Registrar's Office also offers an online web-course to educate faculty and staff about the FERPA law. The University of Arizona also follows standard practice in regard to FERPA training and ramifications that many other institutions follow. In order for faculty and staff to gain access to the university's student information system and other student records, faculty and staff must provide verification that they have taken and passed this 20 minute course (*Family Educational Rights and Privacy Act of 1974 (FERPA) web course, n.d.*).

The American Catholic University (ACU) also created an online FERPA training program. Laura Anderson (2012), former Registrar at ACU, worked with the institution's training coordinator to create this online FERPA training course and quiz. Because of the

success she had at ACU, Anderson, now the Registrar at Willamette University plans to

implement a similar FERPA training program at her current institution.

Southern Methodist University (SMU) located in Dallas, Texas also requires its faculty

and staff to complete a FERPA tutorial. However, at SMU, there is a different procedure and

penalty process in regard to passing the tutorial that does not place emphasis on the student

information system access. Joe Papari (2012), Director of Enrollment Services for Student

Systems and Technology, stated that faculty and staff FERPA training is a requirement that is

noted on the employee's annual performance review. Despite the widespread use of FERPA

training, the researcher could find no evidence of the overall data that measured the effectiveness

of these online FERPA trainings.

Online Training Effectiveness

As online education in general becomes more prevalent in today's society, educators

must determine how to evaluate the effectiveness of online courses and training modules. In a

recent conference presentation, Bradley (2011) stated that currently, no unified consistent online

learning theory exists. Meaningful development of online theory requires the research to

compare online learning modules, instructional methods, and course content in conjunction with

learner outcomes in order to determine effectiveness (Cook, 2005). Historically, little attention

has been given to the models for evaluation of online degree programs (Chapman, 2006) much

less training modules. Consequently, there has been an absence of systematic evaluation of

online education in any format (Wentling & Johnson, 1999).

As online education and training continues to grow exponentially, accrediting bodies in

the United States are just now beginning to seriously consider how online courses should be

evaluated in terms of effectiveness (Tobin, 2004). Establishing an effective evaluation system of

48

online training programs is essential in order for continuous improvements and to ensure the quality of training and online learning (Wang & Zhi, 2009). As online education and training continues to grow, the need for quality e-courses and online modules will be in demand. Additionally, data analysis of various research, both quantitative and qualitative, has shown that online training is much more cost effective than face to face training (Jung, 2005).

Although online learning is evolving and is a relatively new concept in the realm of adult education and training, it is beginning to be highly beneficial (Horng-Ji, 2011). Online learning has started to be a common choice for government type agencies to provide training and development to employees. Online training is not only cost efficient but a timely learning mechanism as updates can be made seamlessly to the material when new information emerges and modules need updating (Shinkerava & Benson, 2007). A recent study of the effectiveness of an online training and assessment program for smoking cessation proved that the knowledge obtained through an online training program drastically improved the smoking cessation rate for the online program's participants (Brose et al., 2012).

Another online training study compared the clinical effectiveness of online training versus traditional training for primary care physicians. Significant positive differences were found in physician's scores in their long and short-term knowledge for those who participated in the online training compared to those who went through the traditional training. Because of the advantages of e-learning, online education is gradually becoming more common for continuous and ongoing learning and training programs. The efficiency of online medical education has started to become well established in the areas of knowledge acquisition (Pelayo-Alvarez et al., 2013).

Another study (Erickson et al., 2012) focused on online professional development training for rural educators. The results of this study, regarding the effectiveness of an asynchronous online professional development for special education teachers, indicated that those who participated in the online training gained beneficial knowledge which allowed increased personal capacity to apply research-based practices. Additionally, the training gave the participants the tools to implement research-based transition practices within their individual classrooms. A key finding of this study indicated that the teacher's competency levels improved at the conclusion of the online training (Erickson et al., 2012).

Online learning modules in the workplace are gaining momentum and catching the attention of administrators unlike previous training pedagogies. Web-based training will continue to grow and gain support as a mechanism for workplace learning due to the advantages over traditional face to face training (Liu et al., 2007). In a 2010 revised study on the evaluation of online learning studies conducted by the United States Department of Education, researchers found that with the increased use of technology, online learning is one of the fastest growing trends for learning. The report also concluded that online training and learning is so attractive because of the decreased cost and the convenience of asynchronous training.

One study focused on the face to face mandated training, such as sexual harassment, recognizing child abuse, conducted in Ohio Dublin City school districts (Wanchek, 2011). Wanchek stated that these trainings, which were required in order for the district to meet state and federal compliance mandates, were costly, time-consuming, inexact, inefficient, logistically impossible, inconsistent, and impossible to ensure and track participation from staff members. Online compliance training programs eliminated all of those issues. The elimination of face to face training sessions were an immediate savings in regard to the training staff's time

management, productivity and job efficiency. Additionally, the savings from the cost of printing

paper training materials were immediate benefits to switching to online training modules

(Wanchek, 2011). Another problem of face to face training and printed training documents are

that the training material can be quickly outdated and need updated and replaced. Online

training eliminates that obstacle. If the material is located online, it can always be updated and

quickly located. Web based training also allows administrators to instantaneously know if a staff

member has completed the online training or not (Wanchek, 2011). For legal issues, training is

essential. At the time of the 2011 article, Wanchek summarized a statement from the Dublin

City Schools District's coordinator of human resources, Armbruster, by stating that from a

liability and legal standpoint, training and compliance is essential and administrators need to be

cognizant of that.

CHAPTER THREE

Method

Introduction

The purpose of this study was to determine the effectiveness of an online comprehensive Family Educational Rights and Privacy Act of 1974 (FERPA) training program as compared to the effectiveness of current FERPA training methods. The study was conducted in two phases and involved both qualitative and quantitative research. The research methods for the qualitative portion of the study included interviews used to obtain information from Registrars at nine public higher education institutions in the state of West Virginia. The second phase of the study was quantitative in nature and consisted of two randomly selected groups from a convenience sample population. Each group was provided with a different FERPA training module and surveyed with a pre-test and post-test after training using a Blackboard online module. Precedent for this type of training has already been set for the faculty and staff at this specific higher education institution. For example, this specific higher education institution already utilizes online learning as a delivery method of courses, orientation, staff and training modules, among other uses. University policy requires mandatory campus-wide online training courses for faculty and staff in other areas such as sexual harassment prevention and driver's education training prior to use of a West Virginia State Vehicle for work purposes. So, a plausible delivery method for a comprehensive online FERPA training for faculty and staff was the use of the university's online Blackboard system, a learning and management tool that enhances teaching and learning.

Research Method

The sections below outline the systematic approach and design that were utilized in this study. This study used a mixed method approach. The following sections describe the FERPA

pre-test and post-test, as well as the survey instrument used to collect the data which was used to

determine the before and after knowledge level of full time faculty and staff at one specific

higher education institution when provided with either a copy of FERPA regulations or a

comprehensive training module related to the FERPA legislation delivered online. The control

group (Group Two) was only provided with a copy of the FERPA legislation within their online

module, whereas, the test group members (Group One) were provided comprehensive training

material in their online module that contained in-depth information regarding the FERPA

legislation.

In phase one of this study, a mixed qualitative and quantitative approach was utilized to

determine current FERPA training practices at public four year institutions of higher education in

the state of West Virginia. Registrars at these institutions were interviewed and asked to identify

the current, predominant, method of FERPA training used on their campuses for the majority of

faculty and staff. Respondents were asked to select the one method of training that most closely

matched the practice on their campus: a) most faculty and staff on campus receive no training

relative to FERPA regulations, b) the majority of faculty and staff receive notification of the

FERPA law and sign a non-disclosure agreement, or c) a comprehensive training program is

provided to the majority of faculty and staff. Respondents were also asked to describe, in open

ended response fields, the type of FERPA training provided on campus for the staff in the

Registrar's Office, as well as faculty and staff in all other areas on campus. On a Likert scale,

the participants were asked if they felt that the overall FERPA training on their respective

campuses was adequate. They were provided questions with an open ended response to disclose

any difficult situation(s) that they have encountered, related to their job as Registrar, or where

they struggled with making the correct decision while not violating the FERPA law.

Phase two of the study used a quantitative approach and was conducted with a different subset of the population at one specific institution to determine if there was a significant difference in the understanding of FERPA regulations among faculty and staff who participated in a comprehensive online training program as compared to faculty and staff who participated in an online training that consisted solely of being presented with the FERPA law. The survey was cross-sectional since all data was collected during one period of time. The population was a convenience random sample of all full time faculty and staff at one specific higher education institution. To determine the difference in the effectiveness of each training method, the researcher identified a randomly selected test group (Group One) of full time faculty and staff who completed a pre-test, participated in a comprehensive online FERPA training module, and completed a post-test also through Blackboard. Based on the results of the tests from each group, the researcher used the data to determine the level of effectiveness of each FERPA training method. A randomly selected control group (Group Two) of full time faculty and staff was pre-tested on their FERPA knowledge, presented with the FERPA law, and then retested relative to their FERPA knowledge online via Blackboard. Data relating to current FERPA training methods was collected from public, four year institutions of higher education in West Virginia during the initial phase. During the second phase of the study, the knowledge base of a new subset population was measured at one specific institution. The primary research site for phase two of the study was one specific higher education institution, a public university located in West Virginia, where the researcher is employed. The comparison of FERPA knowledge, as determined by the results of a pre-test and post-test after only reviewing an online simple copy of the FERPA law module and pre-test and post-test performance after reviewing an online comprehensive FERPA training module, could support advocating for comprehensive FERPA

training of all faculty and staff on college campuses. Because of the importance of FERPA, and the legal ramifications if the federal law is broken, it was imperative to determine the most efficient and effective way to deliver adequate training to faculty and staff on all college campuses.

Survey Design

The qualitative portion of this study included correspondence via email with Registrar's Offices at nine public, four year higher education institutions in the state of West Virginia to determine an interview day and time during a specific time frame. An interview via telephone was conducted with these offices by requesting information about the type of FERPA training that is conducted on each campus or if it exists, what are the common FERPA training practices and, if training exists, how the FERPA training practices might be improved. Registrar's Office representatives at the following institutions were surveyed: Bluefield State College, Concord University, Fairmont State University, Glenville State College, Marshall University, Shepherd University, West Liberty University, West Virginia State University, and West Virginia University (including the branch campuses of Potomac State College (of WVU) and West Virginia University Institute of Technology within the West Virginia University system). National studies have been conducted on faculty and staff FERPA knowledge and other studies have been conducted at specific colleges and universities in many states. This study initially focused on the general FERPA training and perceptions at West Virginia higher education institutions and ultimately focused on FERPA training and knowledge at an individual higher education institution in West Virginia.

The initial contact to West Virginia public college Registrars or designated Registrar staff members was sent via email. The phone interviews were arranged over the time period of a few

weeks at the end of a semester. A follow up email reminder was sent to those who had not

responded to the researcher to confirm an interview time by the end of one week. The initial

email and interview telephone calls lasted over approximately three weeks. The survey design

for the initial poll of training across institutions was conducted via a telephone interview. The

information collected by the researcher was entered in Qualtrics, an online survey software.

Survey results from the West Virginia public four year higher education institutions were

collected during the same time that the next phase of the study began as the results are

independent of each other. The quantitative data was collected from a survey of both a test group

and control group of full time faculty and staff at one specific higher education institution via the

Blackboard course delivery system. In order to ensure validity and reliability of the study, the

established survey instrument consisted of a selection of 10 questions created by The American

Association of Collegiate Registrars and Admissions Officers (AACRAO) as published in their

FERPA training guide (*2006, pp 85-89*). These survey questions provided by the AACRAO

FERPA training guide were given to both the test group and the control group during the pre-test

and the same 10 questions were given to both groups during the post-test but in a different order

than the pre-test.

The test group (Group One) of faculty and staff was given the same pre-test of

AACRAO FERPA survey questions as the control group delivered through a different online

FERPA module via Blackboard. Next the test group was provided with a comprehensive

FERPA training instead of just the FERPA law reading like Group One. Once the comprehensive

module was complete, the test group once again took the same post-test as the control group in

the same varied order. The randomly selected, convenience sample of faculty and staff members

in the control group (Group Two) were given an online FERPA module via Blackboard that

consisted of 10 pre-test FERPA questions to assess their existing FERPA knowledge level. Next, this group was provided with a copy of the FERPA regulations. After the regulations were reviewed, the control group completed a post-test consisting of the same AACRAO survey questions, listed in a varied order to determine if there was a difference in FERPA knowledge before and after the reading of the regulations.

This design was developed to determine if there was a greater improvement in FERPA knowledge before and after a comprehensive online training module was administered, as opposed to simply providing a copy of the FERPA regulations in an online module. The comparison between the test group and control group and the collective data representing their FERPA knowledge was analyzed to determine if a comprehensive, online campus-wide training program related to FERPA would improve the FERPA knowledge level of faculty and staff at colleges and universities. This study was a classic test and control group application. The results provided a comparison of the pre-survey results with the post-survey results after different training sessions.

<h2 align="center">Population</h2>

The first phase population included Registrar's Office representatives at nine West Virginia public four year institutions. The second phase population in this study included a sample of all full time faculty and full time non-classified and classified staff members at one specific higher education institution. The target population was a convenience sample that included full time faculty and staff at one specific higher education institution. The benefit of the study results was the ability to determine if there was a need for a campus wide FERPA training for all faculty and staff. Only full-time employees with a one specific higher education institution email address in the faculty/staff directory (all exchange users) were included in the

population. There were 1,789 full time employees in this category. The sample experimental

test group (Group One) and sample control group (Group Two) participants were randomly

selected from the entire list of full time faculty and staff by an online random number generator.

Instrument

The survey instrument was based on questions from a FERPA training guide published

by AACRAO. AACRAO provides leadership in policy, interpretations, standards and best

practices for higher education administrators in the field of admissions and records. Therefore,

the questions were already established as a reliable instrument with validity. Validity is proven

as the questions were designed by the leading organization responsible for dissemination of

FERPA related information.

The 10 questions that focused on FERPA were presented in a true or false format.

Responses could be made by selecting a radio button and respondents could skip any question

they did not want to answer. See appendices F and G for a list of the pre-test and post-test quiz

questions. The online module that contained the simple reading of the FERPA regulations

document was provided by the United States FPCO website. The online training module was

comprised of training materials provided by AACRAO, and other resources such as the United

States Department of Education and Legal Digest. The Blackboard modules were developed by

the researcher as a means of pre-test, training module delivery, and post-test.

Data Collection Process

During phase one of the study, data relating to current FERPA training methods was

collected from Registrar's Office representatives at the nine public, four year institutions of

higher education in West Virginia. Initial contact with the Registrar staff at these institutions

was made via email with the letter of consent, informing them of the survey, and to set up a

telephone interview time. The information and responses were collected through the phone

interviews. Responses to the quantitative questions were entered by the researcher into the

Qualtrics system via radio buttons for the two quantitative questions and with the qualitative

portion allowing for open ended responses and comments. The second phase of the study was

sent to a convenience random sample of full time faculty and staff at one specific institution. An

email with the letter of consent and link to the FERPA Survey within Blackboard was sent to the

experimental test group (Group One) and control group (Group Two), as selected by the random

number generator website. The email addresses were provided to the researcher by the

University's Office of Human Resources via .csv excel file in an email. The participant

responses to the survey and results were automatically submitted in the grade book within a

secure Blackboard account that requires login credentials and a level of security to access the

results. Responses were kept private and confidential. The survey remained open for a two week

period. If a member of the university community began the survey, the survey remained open for

the entire time span allowing the pre-test, training module, and post-test to be completed in

different settings if necessary. If they did not complete the module including the pre-tests and

post-tests during the two week period, the survey closed, capturing the answers they did

complete. However, only those in the test group (Group One) and control group (Group Two)

who completed all three modules, could be used in the SPSS statistical analysis for comparison

and result purposes in the study. Reminder emails were sent to those who have not yet started or

completed the modules after one week. A reminder email was also sent the day before the

modules closed.

Once a participant of the test group (Group One) completed the pre-test, the online

comprehensive training module became available. Once the participant was comfortable with

the information and believed that all of the material in the training had been adequately

reviewed, the test group participant acknowledged the training material was complete and then

the post-test questions appeared for that participant to complete and submit. Once the training

module was completed and the post-test was selected, the training module could not be reopened.

The same process was followed for the participants of the control group (Group Two). Once the

pre-test was completed, the FERPA regulations became available within the module. Once the

regulations had been reviewed and acknowledged, the post-survey question module came

available. After the regulations had been read and the control group participant advanced to the

post-test survey, they were not able to view the FERPA regulations again. Reminder emails

stating the module closing date and request for completion was sent to both groups at the same

time.

Data Analysis

The data analysis for the qualitative survey results was completed through a review and

analysis of the responses collected from the survey respondents. The frequency analysis was

reviewed and analyzed to determine if FERPA training was conducted at four year public higher

education institutions in the state of WV. The open ended questions were reviewed to determine

if emergent trends exist. Initial quantitative analysis of the study was conducted by the Qualtrics

online survey software tool and by examining the data output. A summary of the interviews was

also transcribed and synthesized for comparison by the researcher (see Appendix A).

Comprehensive data analysis for the quantitative aspect of the study was completed using

IBM SPSS software. In the analysis, changes in the scores between the pre-test and post-test for

the test group and control group were compared for homogeneity, within each group and against

each other.

Summary

  The statistical results of the survey concerning each outcome of interest relayed in this section were organized around the research questions. The first outcomes were related to the initial survey to college representatives at West Virginia's nine public four year higher education institutions regarding their current practices related to FERPA training of faculty and staff. In phase two, the findings were based on the pre-test and post-test comparison of the test group (Group One) and control group (Group Two) who were presented with different types of FERPA material. The pre-test and post-test control group results were compared to the pre-test and post-test results of the test group to distinguish the level of FERPA knowledge of one specific higher education institution faculty and staff after completing a comprehensive FERPA online training module or online simple FERPA reading module.

CHAPTER FOUR

Results

Introduction

The data results of this section will focus around the following research questions:

1. What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

2. What effect, if any, does an online comprehensive FERPA training module have on the knowledge levels of faculty and staff at one specific higher education institution?

3. What effect, if any, does a simple notification of the FERPA law have on the knowledge levels of faculty and staff at one specific higher education institution?

4. Is there a significant difference between the test group and the control group when FERPA information is presented in two different formats?

By utilizing two phases, the overall purpose of this study was to determine the effectiveness of a specific comprehensive online FERPA training program as compared to the effectiveness of current FERPA training methods. As an initial point of inquiry for this study, the researcher identified common FERPA training procedures for faculty and staff at the four-year colleges and universities in the state of West Virginia. The second phase was to determine if there was a significant increase in the understanding of FERPA regulations among faculty and staff who participated in a comprehensive online training program as compared to the increase in understanding of FERPA regulations among faculty and staff who participated in training that consisted solely of being presented with the FERPA law.

Qualitative Phase One

Phase one of the study addressed the research question regarding the current FERPA training practices:

- What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

To determine current FERPA training practices at nine public, four year higher education institutions in West Virginia, a primarily quantitative design with some qualitative elements was used. Registrars or designated Registrar's Office representatives at these institutions were asked to identify the current method of FERPA training used on their campuses by selecting one of the following answers: a) most faculty and staff on campus receive no training relative to FERPA regulations, b) the majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement, or c) a comprehensive training program is provided to the majority of faculty and staff. The Registrar's Office representatives were also asked their perception of the adequacy of FERPA training on their respective campuses. The respondents were asked two open ended questions to determine the details of FERPA training provided within their individual offices as well as campus-wide and to comment on any difficult FERPA compliance issues which might be addressed by a more in-depth comprehensive FERPA training program.

Phase One Subjects

On December 1, 2015 emails, with IRB approval included, were sent to nine Registrars at West Virginia four year public institutions requesting a date for an interview between December 2, 2015-December 9, 2015. On the afternoon of Wednesday, December 2, 2015, the researcher sent a reminder email to subjects who had not responded. Due to end of term activities, which is typically a busy time in Registrar's offices, the researcher extended the interview deadline to

allow more time to capture responses from all nine institutions.   After the interviews and

discussions with each of the nine West Virginia higher education institutions, all of the responses

were recorded into Qualtrics, a secure online survey instrument.

Phase Two

Phase two of the study was strictly quantitative in nature and was based on a subset of a

randomly selected sample population at one specific institution. Data analysis in this phase was

focused on the following research questions:

- What effect, if any, does an online comprehensive FERPA training module have on the
knowledge levels of faculty and staff at one specific higher education institution?

- What effect, if any, does a simple notification of the FERPA law have on the knowledge
levels of faculty and staff at one specific higher education institution?

- Is there a significant difference between the test group and the control group when
FERPA information is presented in two different formats?

The data collected in phase two of the study was used to determine if there is a significant

increase in the understanding of FERPA regulations among faculty and staff who participate in a

comprehensive online training program as compared to faculty and staff who participate in

training that consists solely of reading the FERPA law. In order to determine the difference in

the effectiveness of a simple FERPA regulation reading and a comprehensive online training, a

randomly selected control and test group of faculty and staff were provided with one of the

FERPA trainings. The control group was pre-tested on FERPA knowledge, presented with the

basic FERPA law, and then retested, relative to their FERPA knowledge. Also, a randomly

selected test group of faculty and staff completed a pre-test, participated in a comprehensive

online FERPA training module, and completed a post-test. The comparison results of these tests

were used to determine if there is a significant difference in FERPA knowledge levels of faculty and staff when they have completed a comprehensive online FERPA training program as compared to faculty and staff who are simply provided with a copy of FERPA regulations.

Phase Two Subjects

An electronic file containing the names and email addresses of 1,759 full-time faculty and staff the specific higher education institution was obtained from the human resources office. After removing the primary investigator (PI) and co-investigator from the file, 1,757 email addresses remained. The user names were removed from the file and kept in a separate electronic file. A random number generator, http://www.random.org, was used to assign random numbers between 1-1,757 to each record. In order to equally distribute the numbers of participants in each group, 878 were assigned to the two different groups. The groups were designated as Group One and Group Two. Of the 878 members of Group One, 64 were removed because the participants did not have an active Blackboard account. Another user name was removed from this group as this was a Blackboard instructional designer who provided technical assistance and therefore was familiar with the design, content of the modules, and intent and study. Therefore, 813 names were uploaded into the Group One comprehensive online FERPA training module. The training module for Group One, the experimental test group, was titled FERPA training module and the tests labeled pre-test quiz and post-test quiz.

For Group Two, 60 individuals who did not have active Blackboard accounts were removed, leaving a total of 818 potential participants. The training module for Group Two, the control group which received the simple FERPA reading only, was titled FERPA Information Module and the tests for this group were labeled pre-test and post-test. The word "quiz" was omitted from the tests names, pre-test and post-test, for Group Two to indicate the difference

during the data analysis phase. For example, the Group One pre-test was labeled pre-test quiz

and the Group Two pre-test was called only pre-test.

Once a participant logged into the university's Blackboard online learning system and

course management program, regardless of the group, the initial format was the same with three

modules within each of the training sessions.   There was no time limit within each of the three

modules but the last item, the post-test, had to be complete within two weeks from the day the

email was originally sent.   The three modules had to be completed in order and participants

could leave and return to the training as many times as they needed until the FERPA training

module closed and became unavailable at the end of the two week period. A welcome message

with instructions appeared and, once the participant read the directions, a 10 question pre-test

became available. After the pre-quiz was submitted it disappeared and a FERPA information

module appeared. Group One received the comprehensive information module and Group Two

received only the simple FERPA reading in this module folder. The participant could spend as

little or as much time in the training information module until the entire training module closed

on December 22, 2015. Once the training folder was reviewed, the participants were required to

acknowledge that they had completed the training material and were ready to move on to the

final module. At that point, the final module folder became available to the participant. It was

noted to the participants that once a module was completed and they advanced to the next folder,

they were not able to go back to a previous module.

The first email alerting the participants of the study and providing the Blackboard link

was sent. Only those participants uploaded into a specific group had access to that particular

training module. So, although the email and information was sent to all 1,631 potential

participants, only those individuals randomly assignment to Group One (test group) had access to

66

the Group One comprehensive FERPA training material and only those randomly assigned to Group Two (control group) had access to Group Two simple FERPA training materials. Soon after the initial email announcing the study was sent, the co-researcher received an email from a university official requesting to be removed from the study due to his/her FERPA expertise and background. Once it was determined that this university official was in Group One, the individual was removed from that group. This left, 812 potential participants remaining in Group One.

An email was sent on Tuesday, December 15, 2015 with a reminder that Blackboard would be unavailable for a specified period of time of approximately 12 hours per the university's Information and Technology Administration. The verbiage used was the standard university notification on the Blackboard homepage. The module duration was available for a two week span from December 7, 2015 - December 22, 2015. One extra day was allotted for Group One and Group Two to log in and participate in the study due to the unavailability of Blackboard. A reminder email was sent to participants on Monday, December 21, 2015 stating that that the module would close on Tuesday, December 22, 2015.

Findings

This section will present the results of the analyses of both phases of the study broken into the qualitative aspect of phase one and the quantitative aspect of phase two. The order of the results will be presented by individual research question and analysis of the data for each of the research questions.

## Summary of the Findings for Phase One

Phase one addressed one research question:

Research Question One: What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

Phone interviews with the nine Registrars at West Virginia pubic higher education

institutions overall yielded similar responses in regard to the FERPA training method currently

conducted and adequacy of said training on their respective campuses. Fifty-six percent (n=5) of

the participants stated that most faculty and staff on campus receive no training relative to

FERPA regulations. Forty-four percent (n=4) of the respondents stated that the majority of

faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement on

their campus. None of the interviewees were able to state that a comprehensive training program

is currently provided to the majority of faculty and staff (see Figure 1 and Table 1).

Additionally, on a Likert scale, with one being the lowest or none and five being the highest

indicating adequate FERPA training, the Registrars were asked their perception of the adequacy

of FERPA training on their respective campuses (see Figure 1 and Table 1). Two of the

responses were zero meaning that the training was not at all adequate and seven responses were a

three indicating the training was somewhat adequate. However, all indicated that they do in-

house FERPA training programs with their own staff and/or offices in which they have purview

for such as all student services divisions.

The respondents were then asked to elaborate in two open ended questions to determine

the details of FERPA training provided in both their individual offices as well as campus-wide

and to comment on any difficult situations or issues they and/or their office encounter when

trying to comply with the FERPA law which might be addressed by FERPA training or a more

in-depth comprehensive FERPA training program. The responses varied if the Registrar's office

was the actual institution's FERPA designee as required by the federal government. Some

Registrars were the designee but other responses ranged from Dean of Students to Legal Counsel

or a shared responsibility between the Registrar's office and one or both of the aforementioned

offices. However, overall the Registrar's office at these institutions seemed to be the location

that fielded most questions campus wide about general FERPA inquiries. Again, the overall

impression and even plan at some institutions was that a more formal FERPA training program

needed to be implemented. In regard to difficult situations or issues they and/or their offices

encounter, the predominate issue seemed to revolve around what information faculty and/or staff

could release on a student and situations where parents wanted information on their child's

student record without consent. A full transcript of the interviews can be found in Appendix E.
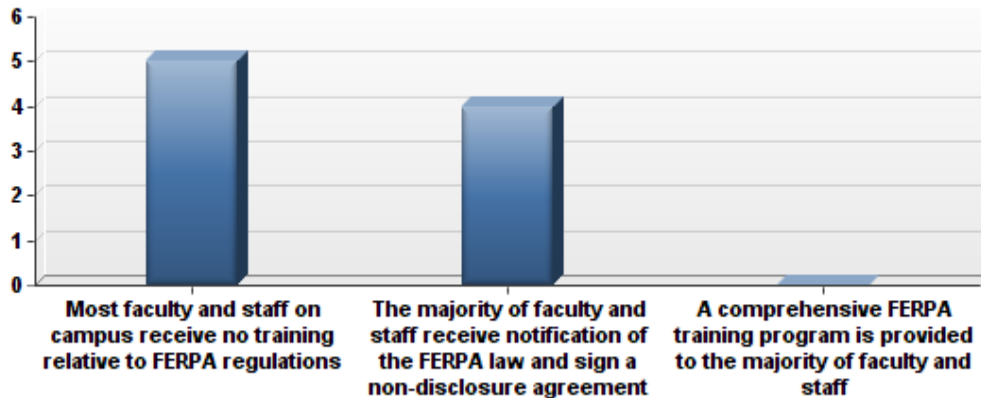
Figure 1. Current FERPA Training Methods

Table 1. Current FERPA Training Methods

Answer	Response	Percent
Most faculty and staff on campus receive no training relative to FERPA regulations	5	56%
The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement	4	44%
A comprehensive FERPA training program is provided to the majority of faculty and staff	0	0%
Total:	9	100%
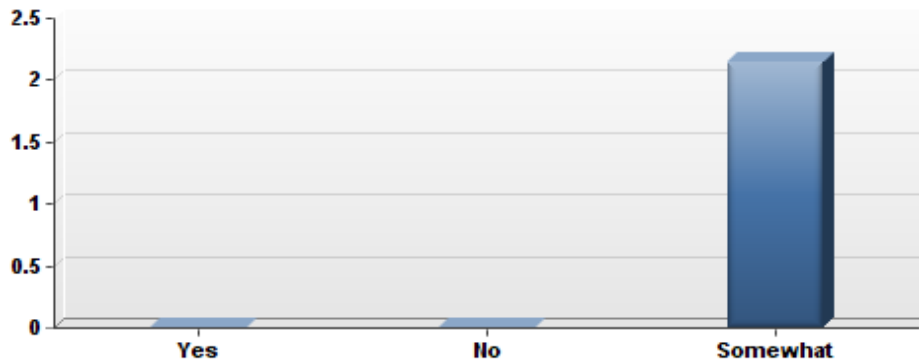
Figure 2. Overall Adequacy of FERPA Training

Table 2. Overall Adequacy of FERPA Training

Answer	Response	Mean (SD)
Yes	0	0.00 (0.0)
No	2	0.00 (0.0)
Somewhat	7	2.14 (1.21)
Total:	9	

Summary of the Findings for Phase Two

The quantitative phase two of the study used statistical analysis to summarize the findings and answer each research question not addressed in phase one of the study. This section will discuss the processes and descriptive statistics used in the quantitative phase of the study and will address the results focused around the remaining three research questions.

A parametric analysis of the data was performed using SPSS software to run independent and dependent t-tests. The independent variable was the type of training received by each of the two groups which was either the comprehensive training material or the simple law reading only. The t-test for independent groups analyzed and compared the mean of two independent groups. The first independent t-test compared Group One pre-test scores against Group Two pre-test scores. This test was used to determine if homogeneity existed by determining if Group One and Group Two were at the same level of knowledge about FERPA before taking the different FERPA training modules. The second independent t-test compared Group One post-test scores against Group Two post-test scores. This test was used to determine if there was a difference in the post-test scores between Group One and Group Two after they experienced the different type of training modules. T-test for dependent groups was used to differentiate, analyze, and compare the means of paired samples. The dependent t-tests compared the pre-test scores against the post-test scores within the same Group One. The first dependent t-test compared the pre-test scores against the post-test scores for Group One and the second dependent t-test compared the pre-test scores against the post-test scores for Group Two. This was to determine if there was a difference in scores before the training compared to after the training. The results of these two dependent t-tests were used to conclude if the training material was valuable in increasing the score in the post-test.

71

Research Question Two: What effect, if any, does an online comprehensive FERPA training

module have on the knowledge levels of faculty and staff at one specific higher education

institution?

A paired sample dependent t-test compared the pre-test scores to the post-test scores for

Group One. The statistical results indicated that there was a significant difference in pre-test and

post-test scores of Group One. This indicated that the results for those participants who were

given the comprehensive FERPA training module significantly improved their post-test scores

after the comprehensive training. Statistically, t (51) = 7.362, p <.05, indicating the

comprehensive online test group's mean post-test score (M= 74.62, SD 14.88) was significantly

higher than its pre-test score (M=56.15, SD 16.70) (see Table 3).

Table 3. Dependent T-Test Table Group One

Group	Mean (SD) Pre-Test	Mean (SD) Post-Test	t-test	p Value
G1 (n=52)	56.15 (16.70)	74.62 (14.88)	7.362	.000*

significance attained at p< 0.05

Research Question Three: What effect, if any, does a simple notification of the FERPA law have

on the knowledge levels of faculty and staff at one specific higher education institution?

A paired sample dependent t-test compared the pre-test scores to the post-test scores for

Group Two. The statistical results indicated that there was a significant difference in pre-test and

post-test scores of Group Two. This indicated that the results for those participants who were

given the simple FERPA reading improved their post-test scores after completing the training

module. Statistically, t (81) = 3.357 p <.05, indicating the simple FERPA online test Group

Two's mean post-test score (M= 63.45, SD 16.14) was higher than the mean of pre-test scores

(M = 57.80, SD 16.40) (see Table 4).

Table 4. Dependent T-Test Table for Group Two

Group	Mean (SD) Pre-Test	Mean (SD) Post-Test	t-test	p Value
G2 (n=82)	57.80 (16.40)	63.45 (16.14)	3.357	.001*

*significance attained at p<0.05

Research Question Four: Is there a significant difference between the test group and the control group when FERPA information is presented in two different formats?

The first step in determining the answer to this research question was to ensure that Group One and Group Two were homogenous. The independent t-test was used to determine if Group One and Group Two were at the same level of knowledge relating to FERPA before participating in the different FERPA training modules. The independent t-test was done in order to know if the treatment had any effect or not. The independent t-test used to determine if the mean between Group One and Group Two were significantly different or not. The mean score of Group One (n=52) pre-test was 56.15 (SD=16.70). The mean score of Group Two (n=82) was 57.80 (SD=16.40). There were 10 pre-test questions, scored at 10 points, thus, the maximum possible score was 100. No significant difference was found (t = -.564, p > .05) (see Table 5). This analysis indicated that there was no difference between the independent mean pre-score for Group One and the independent mean pre-score for Group Two.

The independent t-test was used to determine if there was a difference due to the training in the post-scores between Group One and Group Two. The analysis of the independent mean post-score for Group One and Group Two were significantly different: t (3.95) = 3.945, p <.05. The mean of the post-test score of Group One was higher (M= 74.61, SD= 14.88, p <.05) then the mean of the post-test scores of Group Two (M= 63.65, SD= 16.14, p > .05). Therefore, there is a significant difference in FERPA knowledge level of the participants who were provided with

only the simple FERPA reading training module as compared to those who were provided with the comprehensive FERPA training module (see Table 5).

Table 5. Independent T-Test for Post-Test and Pre-Test for Each Group

Means Test	G1 (n=52)	G2 (n=82)	t-test	p Value
Means Pre-Test (SD)	56.15 (16.70)	57.80 (16.40)	.564	.574
Means Post-Test (SD)	74.61 (14.88)	63.65 (16.14)	3.945	.000*
*significance attained at p< 0.05				

As noted in the two paired dependent t-tests that compared the pre-test scores to the post-test scores for Group One (see Table 3) and that compared the pre-test and post-test scores of Group Two (see Table 4), there was a significant difference in the results due to the different types of training: comprehensive online training and online simple reading training. There was not as great a gain in the post-test scores of Group Two when compared to the dependent t-test results of the post-test scores of Group One. The Gain Score indicates exactly how the pre-test to post-test scores changed between the two groups as well as provided an analysis of gain scores that addressed the differences in the two groups. The Gain Score not only showed how Group One improved but by precisely how much the test scores improved compared to the amount that Group Two improved. The gains analysis general linear model showed there was an 18.46% gain of improvement after the comprehensive online training materials for Group One compared to the gain of only 5.85% improvement after exposure to the online simple reading module materials for Group Two (see Table 6).

Table 6. Gains Test Table

| Group Number	Mean Pre-Test (SD)	Mean Post-Test (SD)	Gain
G1 (n=52)	56.15 (16.70)	74.61 (14.88)	18.46%
G2 (n=82)	57.80 (16.40)	63.65 (16.14)	5.85%

As an additional control for any unwanted effect of extraneous variables, an Analysis of Covariance (ANCOVA) was used to compare the differences in the post-test results for Group One and Group Two by controlling for the pre-test scores of both groups. Since the number of participants in each group was unequal, Levene's test was used to determine homogeneity of the groups. The Levene's test of equality was not significant (.866), indicating the variance was equal across both groups. The ANCOVA indicated that there is a significant difference in the post scores of the two groups controlling for the pre-test scores of both groups. The results indicated no invariability was found: $F (1, 131) = 22.26$, p=.000, $\eta_p^2 = .145$.

The partial eta squared was 14.5%, indicating a difference in the mean due to the fact that the participants were in different groups receiving different independent variable treatments (see Table 7). The plot graph (see Figure 3) visually demonstrates that the results of the ANCOVA, while controlling for the pre-test scores, indicated that there was a significant difference in the mean of Group One which received the comprehensive training compared to the mean of Group Two which only received the simple reading training.

Table 7. ANCOVA Difference in Post-Test Scores Table

Group	Mean of Post-Test (SD)	f Value	Significance	Partial Eta Squared
Group One Experimental (n=52)	74.62 (14.88)			
		22.26	.000*	.145
Group Two Control (n=82)	63.66 (16.14)			
*significance attained at p< 0.05				
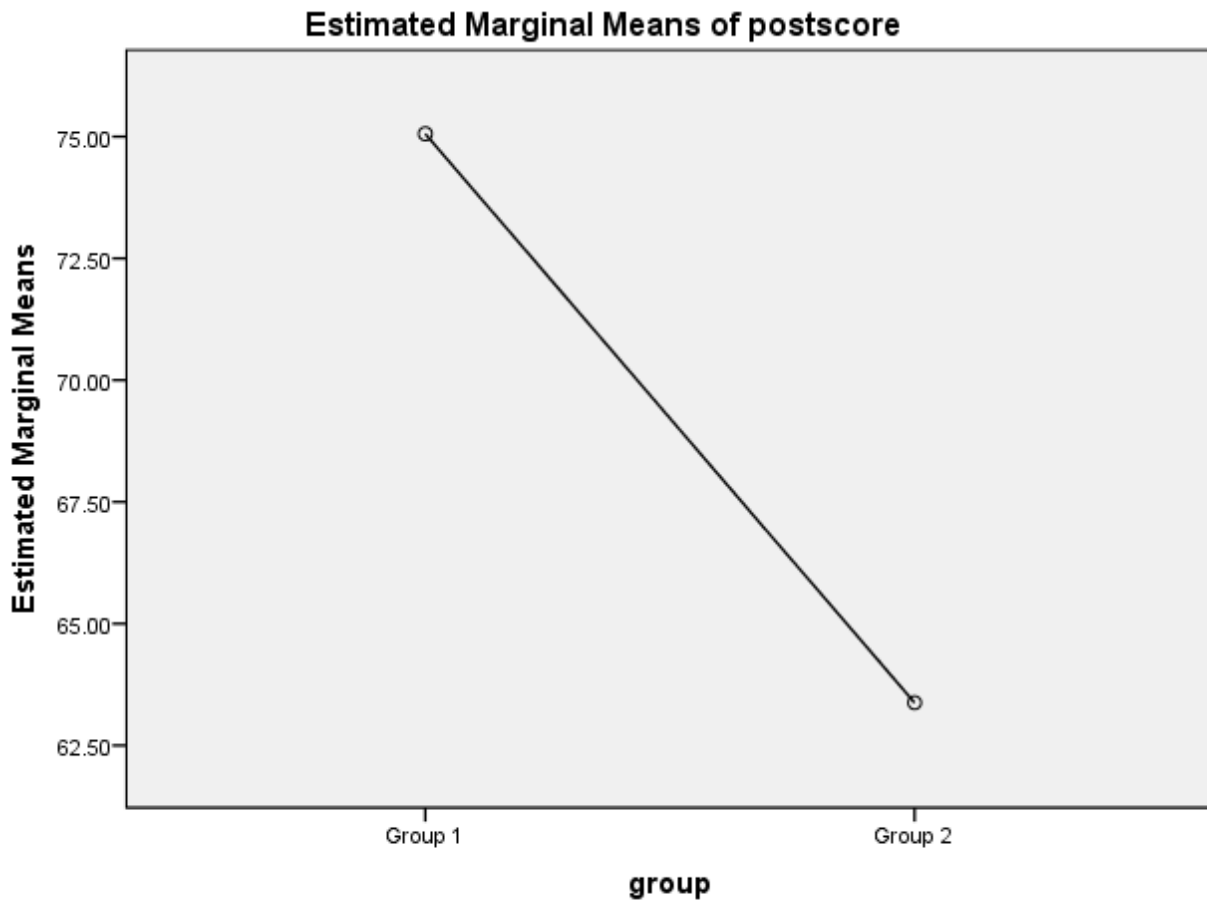
Figure 3. Plot ANCOVA Difference in Post-Test Scores

Summary of Results

Based on the findings of phase one of the study, West Virginia Registrars at the nine public higher education institutions all conduct in house FERPA training with their own staff, but they all agree that there is no comprehensive FERPA training currently being offered campus wide at their respective institutions. Most agreed that the Registrar's office was the location most faculty and staff relied on to answer their general FERPA related questions. Most of the questions received were focused around what student information could be released and to whom.

For the quantitative phase two of the study, of 812 potential Group One participants, 115 participants in Group One began or completed some components of the compressive online training module but only 52 participants actually completed the pre-test, the training material, and the post-test. Of the 818 potential participants in Group Two, 117 Group Two members began or completed some components of the simple reading online training module with 82 Group Two participants actually completing the pre-test, the training material, and the post-test.

Four different t-tests, two independent t-tests and two dependent t-tests were conducted in SPSS for statistical analysis. Levene's test indicated that there was homogeneity in both of the groups. The first independent t-test that compared Group One pre-test scores against Group Two pre-test scores showed homogeneity within the two groups. This meant that there was no significant difference in the level of FERPA knowledge between Group One and Group Two prior to either training. The second independent t-test that compared Group One post-test scores to Group Two post-test scores indicated that there was a significant difference in the post-test scores between Group One and Group Two after they experienced the different type of training modules.

77

The t-test for dependent groups was used to compare the means of a paired sample, compared the pre-test scores against the post-test scores within Group One. The results of this test indicated that the comprehensive training improved the post-test scores of Group One. The dependent t-test that was run in SPSS to compare the pre-test scores against the post-test scores for Group Two, showed an increase in post-test scores for Group Two. The gain for this group was minimal when compared to the gain for Group One. The Covariance of Analysis (ANCOVA) was used to control for pre-test scores. It indicated that there was no significance in the variability of the two different groups. In summary, the analysis and statistical findings indicated that FERPA knowledge and understanding can be improved with a FERPA training module. Overall, there was a greater increase in score results for those participants who were given the comprehensive online FERPA training module compared to the group only provided with the simple online FERPA reading.

CHAPTER FIVE

Discussion

The objective of this chapter is to summarize the purpose, population sample, method, research questions, results and conclusions of the study. The statistical results of the survey concerning each area of interest will be relayed in this section. The outcomes and findings of this survey, which were organized around four essential research questions, will be discussed along with implications of the findings. Additionally, based on the interview and survey results, general conclusions, implications and recommendations for further research will also be detailed in this chapter.

Purpose

The Family Educational Rights and Privacy Act of 1974 (FERPA) was created by Congress to protect students' rights and privacy concerning their personal information and educational records. FERPA may be a commonly heard word on a college campus, but due to the complexity of the legislation, college administrators, faculty and staff may not always be aware of actual FERPA law requirements or actions that result in violation of the law. According to Hillison et al., (2001), at most higher education institutions, there is a lack of FERPA knowledge among the faculty and staff and FERPA training is virtually absent. In January 2016, AACRAO conducted a survey regarding higher education institutional training practices. The results indicated that faculty as well as other institutional personnel who work with student records were not required to complete a FERPA training (AACRAO, 2016). This study further confirms the AACRAO findings. In West Virginia, there is a clear absence of FERPA training for college faculty and staff. Not surprisingly, FERPA knowledge levels among these groups are also significantly lacking.

The foundation for this study was based on a comprehensive literature review that analyzed the history FERPA, along with related court cases, FERPA training opportunities, and research. The purpose of this study was twofold. The two phases involved reviewing the current Family Educational Rights and Privacy Act of 1974 (FERPA) training methods via interviews at four-year higher education institutions in West Virginia (WV). The second phase of the study was aimed at determining if, and to what degree, a comprehensive online FERPA training module could significantly increase the level of FERPA knowledge among full time faculty and staff at a representative higher education institution. The summarized conclusions of this study are based on the following research questions:

1. What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

2. What effect, if any, does an online comprehensive FERPA training module have on the knowledge levels of faculty and staff at one specific higher education institution?

3. What effect, if any, does a simple notification of the FERPA law have on the knowledge levels of faculty and staff at one specific higher education institution?

4. Is there a significant difference between the test group and the control group when FERPA information is presented in two different formats?

Population

The population for phase one of the study consisted of the nine Registrars employed at four year public institutions in West Virginia. The population of phase two consisted of a convenience sample of randomly selected faculty and staff at one specific higher education institution. The list of full time faculty and staff employee names was provided by the University's Office of Human Resource. The list of names was divided in half and an online

80

random number generator was used to assign participants to the two groups. Group One, the test group, received the comprehensive online FERPA training module while Group Two, the control group, received the online simple reading FERPA module. At the end of the two-week period when the Blackboard modules closed, 52 participants in Group One had logged into Blackboard, completed the pre-test, reviewed and acknowledged the comprehensive training materials, and completed the post-test and 82 participants in Group Two had logged into Blackboard, completed the pre-test, reviewed and acknowledged the simple reading training material, and completed the post-test. The University's Office of Academic Affairs and University Legal Counsel beginning in January 2016 were offering a series of FERPA training programs. The researcher was required to complete this survey prior to the university sponsored FERPA training programs in order to ensure that potential participants being trained on FERPA would not skew this study. Because the University sponsored FERPA training was announced, individuals stated that they were not going to complete the Blackboard training module because they were planning to attend the upcoming, face-to-face, FERPA training sponsored by the University's Office of Academic Affairs and University Legal Counsel.

The four interview questions in phase one, two quantitative questions and two open ended qualitative questions were developed by the researcher. The researcher as a means of pre-test, post-test, and training module delivery developed the Blackboard online training modules. The survey instrument used in phase two was based on 10 questions from a quiz that is available through a training guide (*FERPA Guide)* from the American Association of Collegiate Registrar's and Admissions Officers (AACRAO). AACRAO provides leadership in policy, interpretations, standards and best practices for higher education administrators around the world. The same 10 questions were given to Group One and Group Two during the pre-test. The

81

same 10 questions were given to both groups on the post-test, but in a varied order from the pre-test. The pre-test questions were in the same order for Group One and Group Two and the post-test questions, although in a different order than the pre-test, were in the same order for both groups. The online training module was comprised of training materials developed by AACRAO, and the United States Department of Education and Legal Digest.

Method

Phase one of the study was a mixed method interview with Registrars from the nine West Virginia public higher education institutions. Registrars from Bluefield State College, Concord University, Fairmont State University, Glenville State College, Marshall University, Shepherd University, West Liberty University, West Virginia State University, and West Virginia University (which encompassed the branch campuses of Potomac State College of WVU and West Virginia University Institute of Technology within the West Virginia University system), participated in this portion of the study. The quantitative section of the interview asked each Registrar to define the current method of FERPA training used on his/her respective campus by selecting one of the following answers: a) most faculty and staff on campus receive no training relative to FERPA regulations, b) the majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement, or c) a comprehensive training program is provided to the majority of faculty and staff. In the qualitative section of the interview, the Registrars were also asked about their perception of the adequacy of FERPA training on their respective campuses by selecting a response from a Likert scale. The respondents were asked two open ended questions to determine any specific details about FERPA training provided within their individual offices, as well as campus-wide, and then were asked to comment on any difficult FERPA compliance issues. After the interview with each of the nine public four year

West Virginia higher education institution Registrar, each response was recorded in Qualtrics, a secure online survey tool.

For the quantitative phase two of the study, an online FERPA training module was developed and delivered through Blackboard for full time faculty and staff at one specific higher education institution. After the two researchers were removed from the employee file, 1,757 records remained and were randomly divided into two groups of 878 records each. Group One (test group) received the comprehensive online FERPA training module and Group Two (control group) received the simple FERPA reading training module. After the removal of some records due to conflicts of interest and invalid user names, 813 names were uploaded into the Group One training module a total of 818 potential participants were uploaded into Group Two in Blackboard. Both groups were given three modules that consisted of a pre-test, training material, and a post-test. Only the training material module varied between the two groups. For statistical analysis, IBM SPSS software was used. Four different t-tests were conducted, two independent t-tests and two dependent t-tests. Additionally, a gains test and an analysis of covariance (ANCOVA) were used to statistically interpret the data obtained from SPSS and to determine the difference between each group's post-test scores. The ANCOVA was used to determine the difference in the post-test scores between the two groups by controlling for the pre-test scores.

Conclusions and Discussion

This section will discuss the outcomes of the mixed method interview results conducted during phase one of the study and the quantitative analysis of the online training module conducted during phase two of the study. The conclusions were based on the research questions.

Research Question One: What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

Of the nine Registrars interviewed, over half of the participants stated that most faculty and staff on their campuses receive no training relative to FERPA regulations. Slightly less than half of the participants stated that the majority of faculty and staff on their respective campus receive notification of the FERPA law and sign a non-disclosure agreement. None of the interviewees were able to state that a comprehensive training program is currently provided to the majority of faculty and staff at their institution. Therefore, the current training methods are less than adequate. The fact that training is essentially non-existent on the campuses of WV four year public higher education institutions mirrors the training trends nationally and should be a significant concern of top level college and university administrators. Overall, the belief among the Registrars at the West Virginia institutions who were surveyed was that a more formal FERPA training program needed to be implemented.

In a January 2016 survey conducted by AACRAO, one of the key findings was that if training is offered, it is often delivered in a face-to-face format and if training is available, it is not required. Further results of the survey conducted by AACRAO focused on institutional FERPA training practices and found that some institutions do require employees who deal with student records to sign a form stating that they understand FERPA, although training is not required (AACRAO, 2016). This is consistent with the findings of this study as discovered during the interviews.

With the possible consequences for FERPA non-compliance being so dire, including legal action and the loss of federal aid, FERPA training should be required of all faculty and staff. Turner-Dickerson's (1997) study investigated FERPA knowledge, practices, and perceptions of college Registrars. Because the registrar is typically the primary university official charged with oversight of FERPA compliance, Turner-Dickerson's study focused on

FERPA training, the Registrars' awareness of FERPA violations and legal consequences, as well as FERPA training for staff and faculty. Her findings revealed that higher education institutions need to make FERPA information available to all university employees and community members. Additionally, her findings suggested that faculty seemed to be the least informed with regard to FERPA, despite the fact that training is important for all university faculty and staff (1997).

Research Question Two: What effect, if any, does an online comprehensive FERPA training module have on the knowledge levels of faculty and staff at one specific higher education institution?

In SPSS, the researcher utilized a dependent t-test to compare the pre-test scores to the post-test scores for Group One, which consisted of the full time faculty and staff who received the online comprehensive FERPA training module. Out of a total of 100 points possible on the pre-test and post-test, the mean score of the correct answers for Group One increased from 56% to 75%. This was an average gain of 19 percentage points on the 100 point scale. The results of this portion of the study clearly show that a comprehensive FERPA training program can greatly increase the knowledge level of faculty and staff.

The findings of this study corresponded with the results of a study conducted by Sayer in 2005. In Sayer's study (2005), an overall qualitative finding from the interview of 24 individuals who were responsible for the implementation or FERPA guidance on their respective campuses was that those participants thought they could do better when attempting to comply with FERPA. Sayer (2005) went on to recommend that resources and training be provided in order to accomplish FERPA understanding and compliance at colleges and universities. The major findings of Maycunich's (2002) study, involving faculty knowledge levels of FERPA at three

land-grant universities, included the fact that nearly half of responding faculty members were not familiar with FERPA. Faculty members who did report receiving FERPA information previously obtained it from a variety of sources and different methods, none of which significantly increased their knowledge of the law. Maycunich's findings indicated that a formal, multifaceted FERPA training program was needed to inform faculty of the FERPA law.

Research Question Three: What effect, if any, does a simple notification of the FERPA law have on the knowledge levels of faculty and staff at one specific higher education institution?

The researcher conducted a dependent t-test, using SPSS, comparing the pre-test scores to the post-test scores for Group Two, which consisted of full time faculty and staff, who received the online simple reading FERPA training module. In Group Two, 82 participants completed the pre-test, comprehensive training, and post-test. It is hypothesized that more participants completed the simple reading FERPA training module than the online comprehensive FERPA training module because the material was less voluminous and required far less time for completion. The tendency to only voluntarily complete training, if it requires little effort, should be considered when deciding whether to offer mandatory or optional FERPA training. The results of this study indicate that participants are less likely to voluntarily complete a training module if it requires more effort than they might want to dedicate at a given time.

Each of the 10 pre-test and post-test questions scored at 10 points each for a total of a 100 possible points. Out of 100 points possible, the mean score of the correct answers for Group Two increased only slightly from 58% to 64%. Although statistically, the results were significant, the gain was not a substantial increase. Group Two's post-test scores only increased 6% from the pre-test after reviewing the online simple FERPA reading. In Maycunich's (2002) research pertaining to faculty knowledge of FERPA, one major finding was that nearly half of the

390 faculty members who responded were not familiar with FERPA. Therefore, it can be assumed that some training and exposure to FERPA, no matter how inadequate, is better than no formal training at all.

Research Question Four: Is there a significant difference between the test group and the control group when FERPA information is presented in two different formats?

The first step in determining whether the different training had any effect on the participant's post test results was to ensure that Group One and Group Two were at the same overall base level of knowledge about FERPA prior to participating in the different FERPA training modules. An independent t-test was used to determine if the mean of Group One and Group Two were significantly different. There were 10 pre-test questions which were scored at 10 points each for a maximum score possible of 100 points. The mean score for the pre-test for Group One was 56%. The mean score on the pre-test for Group Two was 58%.   The independent t-test analysis indicated that there was no significant difference between the pre-test score for Group One and the pre-test score for Group Two.

Another independent t-test was conducted to determine if there was a difference in the post-test scores of Group One and Group Two indicating that the type of online training, either comprehensive or simple, had an effect on the two group's post-test scores. The average post-test scores for participants of Group One after receiving the online comprehensive FERPA training, was higher at 75%. The average post-test score of Group Two participants, who only received the online simple FERPA reading, was 64%. Therefore, there was a much greater improvement in the FERPA knowledge level of the participants who were provided with the online comprehensive FERPA training module compared to those participants who were only provided with the simple online FERPA reading training.

A final analysis was conducted to control for any unwanted effect of extraneous variables. An Analysis of Covariance (ANCOVA) was used to compare the differences in the post-test results for Group One and Group Two by controlling for the pre-test scores of both groups. Since the final participant numbers of those who completed the entire training, all three Blackboard modules, in Group One and Group Two were unequal (G1=(n) 52; G2= (n) 82), a Levene's test was used to determine homogeneity of the groups. The Levene's test of equality score was not significant, indicating both groups were equal. The ANCOVA indicated that there was a significant difference in the post-test scores of the two groups controlling for the pre-test scores of both groups. The Partial Eta Squared was 14.5%, indicating a difference in the mean due to the fact that the participants were in different groups and had received different independent variable treatments of an online comprehensive FERPA training module compared to the online simple FERPA reading module.

Overall, the results indicate that participation in a comprehensive training results in a greater level of FERPA understanding than participation in a training consisting of a simple reading of the FERPA law. The participants in Group One scored significantly higher than Group Two on the post-test after the online comprehensive training. In spite of this increase, it is important to note that faculty and staff who received the comprehensive training module only improved to a rate of 75% accuracy. They are still likely to make the wrong decision in one out of every four situations relating to the FERPA law. This statistic should be of grave concern for college administrators as it demonstrates how much faculty and staff have to learn in order to develop a true understanding of FERPA legislation. The results also indicate that even a simple exposure to the FERPA law can increase awareness if a comprehensive FERPA training program is not available. These findings should convince higher education administrators to require, at

88

the very least, a simple reading and acknowledgement of the FERPA law at the time of employment. Although insufficient, a required reading and acknowledgment of the FERPA legislation can help to inform faculty and staff of the law and may serve as a stopgap measure until a comprehensive training program can be delivered.

To determine FERPA knowledge levels, using resources from American Association for Collegiate Registrars and Admissions Officers (AACRAO), Turnage (2007) conducted a study with a total of 232 participants at one institution consisting of a pre-test, a tutorial, and then a delayed post-test given a month after the tutorial. Turnage (2007) found that the school officials at one university in this study improved their scores on the FERPA post-test after they participated in the FERPA training. The results after the training showed that those university officials who participated increased their perception of their own FERPA knowledge level significantly, from slightly less than moderately familiar with FERPA at the time of the pre-test to a post-test level of moderately familiar after the training. The total percentage of correct answers significantly increased from 72% at the pre-test to 82% correct at the post-test (Turnage, 2007). The findings of this study build on Turnage's research and, in fact, to a greater increase in FERPA knowledge among faculty and staff who completed the online comprehensive training module.

Werosh (2013) conducted a study similar to Turnage's which focuses on school officials and their FERPA knowledge. Werosh's 2013 study specifically concentrated on administrators and faculty at select United States health care educational institutions. His study analyzed what relationship occurred between FERPA knowledge and training among faculty and administrators employed at these institutions of higher learning. The study analyzed staff and faculty FERPA base knowledge to their FERPA knowledge level after participating in a formal FERPA training.

89

His results indicated that there was evidence that employees with FERPA training answered more questions on the FERPA questionnaire correctly than those without training, with several of the survey question comparisons being statistically significant. Additionally, the overall findings showed that those employees who participated in and completed FERPA training outperformed those without training on every comparison. According to Werosh's results, both groups, faculty and staff administrators, were more informed of the FERPA law and were far more likely to adhere to the provisions of FERPA after participation in a formal FERPA training program (2013). Werosh's findings allowed him to conclude that FERPA training was needed for faculty and staff. He went on to suggest that FERPA training should be an important part of the employee hiring and training process (2013).

Given the preponderance of evidence available, including the results of this study, it is imperative to provide faculty and staff with a comprehensive FERPA training module. If the expectation of FERPA compliance exists, as it most certainly should, then college and university administrators must make FERPA training a top priority for all current and future faculty and staff. Failure to do so will, undoubtedly, result in many FERPA violations that could have been easily prevented with a mandatory training.

Implications and Recommendations for Future Research

Based on the results of this survey, faculty and staff at West Virginia's public institutions of higher education are not being sufficiently trained relative to the FERPA legislation. This conclusion confirms the January 2016 national survey conducted by AACRAO, in which one of the key findings was that faculty and those dealing with student records are typically not required to have any type of FERPA training. This study also found that faculty and staff, overall, do not have the FERPA knowledge they need in order to adequately comply with the law, which is not

90

surprising in light of the dearth of training that is currently provided at most institutions.

Noncompliance with FERPA can result in severe legal ramifications for any institution of higher

education. Negative consequences can range from legal action and negative publicity to the

complete withdrawal of federal student aid. It is absolutely crucial, therefore, that faculty and

staff understand the FERPA law and the requirements for complying with the law. Due to the

lack of current training, and the serious consequences for FERPA non-compliance, it is

imperative that higher education administrators at all U.S. institutions review their current

FERPA training practices and implement new or enhanced training procedures as needed. A

mandatory, campus-wide FERPA training program is recommended for faculty and staff at every

college or university in the United States, based on the findings of this study.

According to the results of this study, a comprehensive training module is more

beneficial for faculty and staff than a simple reading of the FERPA legislation. A

comprehensive training program that includes common scenarios and issues resulted in a greater

increase in FERPA understanding than a simple reading of the legislation. The study also found,

however, that a simple reading of the FERPA law did provide a slight increase in FERPA

knowledge among faculty and staff. This finding, although unexpected, confirms that FERPA

knowledge among faculty and staff is very low due, predominantly, to a lack of training. If even

a simple reading of the law can modestly improve knowledge levels, it is clear that training has

been practically non-existent up to this point.

A recommendation for future study is a comparison of the results of this online FERPA

study to the results of a pre-test and post-test given to the faculty and staff who participant in a

face to face FERPA training program format like those sponsored by the University's Office of

Academic Affairs and University Legal Counsel in January 2016. Such a study would serve to further refine best practice recommendations relating to the delivery mode of FERPA training.

Another recommendation for further study would be a comparison of faculty and staff FERPA knowledge related to traditional student learning scenarios and faculty staff FERPA knowledge levels related to online learning and social media scenarios. This type of study would contribute to the body of knowledge relating to the protection of student privacy, which has been encouraged by previous researchers. Nucci (2010), for example, suggested that a study be conducted to determine how institutions can protect a student's privacy due to increased technology in the digital age.

Online education is not a new concept but, as technology usage has increased, so has the demand for the convenience of online learning. As Tapscott (2009) noted, technology is second nature for the millennial generation and they expect information to be delivered instantaneously and to be always available. Changes in technology have also resulted in a need for legislators to update the FERPA law relating to what items are included in directory information. According to a report from Kansas State University, with the increase of social media usage, students must be aware of their rights and be vigilant in protecting their privacy (2012). In today's society, with many technologically knowledgeable individuals, protection of privacy is a major issue. Tapscott stated that the current generation, including those attending college today, have a total disregard for privacy when it comes to technology and personal information (2009). Based on the increased usage of both online education tools and social media sites, it is imperative to educate students, faculty and staff about the restrictions related to disclosing student information on these platforms. Although the FERPA law is not new, the increased usage of online learning and social media sites has created many new applications of the law. Even faculty and staff who

might have had a solid understanding of the law in the past may not be able to effectively apply

the law to situations involving current technology.

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Appendix A: IRB Approval

MARSHALL UNIVERSITY.
www.marshall.edu

Office of Research Integrity   FWA 00002704
Institutional Review Board
One John Marshall Drive   IRB1 #00002205
Huntington, WV 25755   IRB2 #00003206

November 23, 2015

Teresa Eagle, EdD
Dean, COEPD and Doctoral Faculty

RE: IRBNet ID# 834134-1
At: Marshall University Institutional Review Board #2 (Social/Behavioral)

Dear Dr. Eagle:

Protocol Title: [834134-1] Effectiveness of an Online FERPA Training Program

Expiration Date: November 23, 2016
Site Location: MUGC
Submission Type: New Project   APPROVED
Review Type: Exempt Review

In accordance with 45CFR46.101(b)(1)&(2), the above study and informed consent were granted
Exempted approval today by the Marshall University Institutional Review Board #2 (Social/Behavioral)
Designee for the period of 12 months. The approval will expire November 23, 2016. A continuing review
request for this study must be submitted no later than 30 days prior to the expiration date.

This study is for student Sonja Cantrell.

If you have any questions, please contact the Marshall University Institutional Review Board #2 (Social/
Behavioral) Coordinator Bruce Day, ThD, CIP at 304-696-4303 or day50@marshall.edu. Please include
your study title and reference number in all correspondence with this office.

- 1 -   Generated on IRBNet

104

Appendix B: IRB Registrar Consent Form

Anonymous Consent Form

Dear Registrar:

You are invited to participate in a project entitled **"The Effectiveness of an Online FERPA Training Module"**. The purpose of this phase of the study is to identify the current method of Family Educational Rights and Privacy Act of 1974 (FERPA) training used on college campuses at West Virginia (WV) higher education public institutions.

The information that you provide will help determine what common FERPA training is currently being utilized at public higher education institutions in WV. Please answer the questions to the best of your ability.

This study is being conducted as part of my doctoral studies at Marshall University and has been approved by the Marshall University Institutional Review Board (IRB). I would like to set up a time to phone you at your convenience to ask two multiple choice/Likert scale questions and two open ended questions. Your individual responses will be recorded in Qualtrics by me but will be kept confidential.

There are no known risks involved in this study. Participation is completely voluntary and there will be no penalty or loss of benefits if you choose not to participate. You may choose not to answer any question. By agreeing to participate you are also confirming that you are 18 years of age or older.

Thank you in advance for your participation in this study. If you have any questions, please feel free to contact me, Sonja G. Cantrell, Co-Investigator, at cantrel1@marshall.edu or Dr. Teresa Eagle, Principal Investigator, thardman@marshall.edu. If you have questions concerning participation in this study, you may contact the Marshall University Office of Research Integrity at 304-696-4303. You may wish to keep a copy of this for your records.

Please reply to this email with a preferred phone number and a few day/times between XXX date – XXX date (one week) that would be convenient for me to call you. I will email you confirmation of the call day/time. If there is another member of your staff that oversees FERPA, please feel free to share this request with that individual.

Sincerely,

Sonja G. Cantrell
Associate Registrar
Co-Investigator

Appendix C: IRB Faculty Staff Consent Form

Anonymous Consent Form

Marshall University IRB	
Approved on:	11/23/15
Expires on:	11/23/16
Study number:	834134
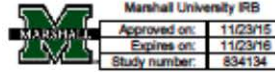
Dear Marshall University Community Member:

You are invited to participate in a project entitled **"The Effectiveness of an Online FERPA Training Module"**. The purpose of this study is to determine the effectiveness of a specific comprehensive online Family Educational Rights and Privacy Act of 1974 (FERPA) training program as compared to the effectiveness of a simple reading of the FERPA law. The information that you provide will help determine if an online training module on FERPA is effective. Please answer the questions to the best of your ability.

This study is being conducted as part of my doctoral studies at Marshall University and has been approved by the Marshall University Institutional Review Board (IRB). The module is composed of a pre-test, FERPA material, and a post-test. The pre-test and post-test are each composed of 10 informational questions to help gauge your FERPA knowledge and awareness. Your responses will be anonymous and no IP addresses will be collected.

There are no known risks involved in this study. Participation is completely voluntary and there will be no penalty or loss of benefits if you choose not to participate. You may choose not to answer any question by simply leaving it blank. By completing the survey you are also confirming that you are 18 years of age or older.

Thank you in advance for your participation in this study. If you have any questions, please feel free to contact me, Sonja G. Cantrell, Co-Investigator, at cantrel1@marshall.edu or Dr. Teresa Eagle, Principal Investigator, at thardman@marshall.edu. If you have questions concerning participation in this study, you may contact the Marshall University Office of Research Integrity at 304-696-4303. You may wish to keep a copy of this for your records.

The module is being conducted through Blackboard. *Please click on the link below to begin the survey:* XXXXXX http://www.marshall.edu/muonline/

Sincerely,

Sonja G. Cantrell
Associate Registrar
Co-Investigator

Appendix D: Registrar Survey Questions

FERPA Survey

The intent of this survey is to determine to determine current The Family Educational Rights and Privacy Act of 1974 (FERPA) training practices at all public four year institutions of higher education in the state of West Virginia. Please answer the survey questions to the best of your ability.

State the name of your institution:

Identify the current method of FERPA training used on your campus.

- Most faculty and staff on campus receive no training relative to FERPA regulations.
- The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement.
- A comprehensive FERPA training program is provided to the majority of faculty and staff.

With 0 being the lowest and 6 being the highest, do you feel that the overall FERPA training on your campus is adequate?

	0	1	1	2	2	3	5	4	4	5	6
Yes											
No											
Somewhat											

Describe the aspects of FERPA training provided, if any, in the Registrar's Office and campus-wide.

Comment on any difficult situations/issues you have encountered when attempting to comply with the FERPA law.

Appendix E: Registrar Interview Transcript

What are current practices related to FERPA training at public, four year institutions in the state of West Virginia?

Respondent = R
Number = Numbered in order of interview

Registrars or designated Registrar's Office representatives at these institutions were asked to identify the current method of FERPA training used on their campuses by selecting one of the following answers: a) most faculty and staff on campus receive no training relative to FERPA regulations, b) the majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement, or c) a comprehensive training program is provided to the majority of faculty and staff.

R1: a) Most faculty and staff on campus receive no training relative to FERPA regulations
R2: b) The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement
R3: a) Most faculty and staff receive no training relative to FERPA regulations
R4: a) Most faculty and staff receive no training relative to FERPA regulations
R5: b) The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement
R6: b) The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement
R7: a) Most faculty and staff receive no training relative to FERPA regulations
R8: a) Most faculty and staff receive no training relative to FERPA regulations
R9: b) The majority of faculty and staff receive notification of the FERPA law and sign a non-disclosure agreement

The Registrar's Office representatives was also asked their perception of the adequacy of FERPA training on their respective campuses. On a Likert scale, with one being the lowest or none and five being the highest indicting adequate FERPA training and three being somewhat adequate

R1: 0- Not adequate
R2: 3 - Somewhat adequate
R3: 0- Not adequate
R4: 3 - Somewhat adequate
R5: 1 - Not really adequate
R6: 3 - Somewhat adequate
R7: 1 - Not really adequate (but not 0 since her office does in-house training)
R8: 2- Somewhat adequate (but not 3 or higher because no campus wide training)
R9: 3 - Somewhat adequate

The respondents were asked two open ended questions to determine the details of FERPA training provided in both their individual offices as well as campus-wide.

R1: At this institution the Dean of Students is the FERPA designee. Training, if it occurs, is decentralized. The Registrar's Office conducts training with employees as it pertains to their job duties. Other student services office may as well but if so, no consistent message. Campus wide -training is inadequate.

R2: At this institution, the Dean of Students is the FERPA designee. The dean conducted a voluntary FERPA training. The Registrar's Office conducts in house training with employees but not for faculty. Some training within offices – but no comprehensive campus wide training is done. In registrar's office – she and a colleague attended a FERPA training at Wake Forest years ago – they train their new registrar staff members extensively.

R3: She has been registrar for years and said she could use additional training herself.   Different offices use different FERPA forms. When new president was hired, VP requested that FERPA information/form be put online for students. Now each semester she sends form to VP for approval and then sends form out to all students. Usually just receives two or three back each year. No campus wide training.

R4: At this institution, University Council is the FERPA expert but registrar conducts one on one training when needed and does an occasional seminar or workshop on campus both those are voluntary FERPA trainings. Logistically, since Shepherd does face to face trainings, it is difficult to conduct training campus wide. However, before Banner access can be given to any new faculty or staff, she conducts a FERPA one on one training.

R5: They currently send out annual notice and have faculty and staff sign a disclosure agreement. FERPA is also discussed at new faculty/Staff orientation.
Registrar came from Alabama and started at this institution in August. They are moving towards two sessions a year (in class and online). He plans to partner with HR in the spring and have formal training twice a year. FERPA 101 and Banner 101 will give the new employees the skill set they need to do their job. Both must be completed before access to the SIS will be granted. Registrar is the FERPA designee at this institution.

R6: About a month ago, FERPA moved under the Registrar's purview. They have some FERPA information on website. The registrar's office works with legal counsel when subpoenas arrive or FOIA requests. No official campus wide exists. Interim registrar will go over key FERPA points. Faculty will ask registrar what they can and cant release. Interim registrar will go over key points with new faculty but no campus wide training right now.

R7: Currently, they do not have a campus wide training. However, they are looking at some DVD training materials and hope to have something in place by next fall. She does in house training with her staff. They also have FERPA forms they use for students to sign and grant permission to discuss their records with others such as parents.

R8: Registrar does training for staff because staff are in his purview not faculty. He does annual face to face training for enrollment services staff members

R9: When initial employment occurs, employee signs and agreement and makes sure they know what FERPA is. There currently isn't any campus wide training. She has been registrar for 3 years. She has requested permission from provost to attend faculty or chair meetings to talk about and remind them of FERPA. She has been obtaining FERPA info from AACRAO and FERPA Doc to create FAQ for faculty….has frequent answers and scenarios that occur with FERPA and what they correct way to proceed is if that situation presents itself.

The second open ended question was for comment on any difficult situations or issues they encounter when trying to comply with the FERPA law which might be addressed by FERPA training or a more in-depth comprehensive FERPA training program.

R1: At Orientation, a FERPA presentation was being conducted with new student's parents during the Parent Program portion. The representative(s) conducting the session gave misinformation several times. For example, the individual stated that if a student is under 18 years of age, the parents can have access to all student records. However, once a student is over the age of 18, the parent would no longer have access to the student record.

R2: Registrar often receives questions from across campus about what they can and cannot release. A personal incident occurred several years ago. The Registrar was caught up in the moment and discussion and inadvertently revealed the number of hours a student had at that institution to a potential employer instead of stating the years of attendance (which is directory info). Due to some other outside information that the company/hiring unit had obtained coupled with the disclosure of non-directory information, the company/hiring unit did NOT hire the former student. The Registrar was subpoenaed by both attorneys. In hindsight, the registrar wishes she had had an attorney with her but did not. She had to give a disposition. At this time, she or the institution had not been sued.

R3: Registrar often receives questions from across campus. Biggest request is from faculty calling/coming to see her because they don't know what they can or cant release to parents especially in regard to grades. She and her staff know they don't release to parents. She did have a parent take her to the President's office because she wouldn't release information to her about her student.

Other times, when she wont release, parents bring their student (sometimes doesn't seem to willing) to her to sign form. Of course – she has been subpoena due to court cases… former student being sued by client (someone they had treated). Both lawyers contacted her.

R4: Recently there have been a lot of questions, fairly specific, from the Athletic Dept. Mostly gearing about what is required and allowed to be released under FERPA in regard to student athletes. They are interested in what information they can obtain from professors. Additionally, if they do obtain information from student athlete professors, what can be shared with parents. Registrar met and negotiated between Athletic Compliance and University legal counsel. There is a fine line between ensuring NCAA compliance and FERPA compliance.

R5: Situation where a student was modifying his transcript via self-service and sharing the modified transcript with his mother. The student did not have a FERPA release form on file. Parent called but registrar would not discuss the student's grades. The mother drove 5 hours and brought her son into the registrar's office. The student granted verbal permission to discuss his grades with his mother in his presence.

Faculty usually call registrar once a parent calls them about a grade or something and they call to see if they can release the student's grade or not.

Difficult because they still share SIS with CTC even though they are technically separate institutions due to WV legislation. Also has to be careful because they get a lot of requests from ROTC wanting student names and church's wanting a list of students by specific religion denominations.

R6: A student who studies the FERPA law and requests private information from numerous offices on campus and tweets about it. What to know how money is budgeted to what is being released to the National Student Clearinghouse.

R7: Biggest conflict she encounters is at end of terms after grades go out. Parents call her office and want to discuss their child's grades. When she or staff member says there is no FERPA form on file so they cannot discuss, parent gets agitated and say things like I am paying for my child's education there so you should be able to tell me their grades.

R8: The most frequent issue is with parents wanting to know about their son or daughter's record; they do not understand why the info cannot automatically be shared; it is especially difficult in a divorce situation depending on which parent claims the student on their taxes that year.

R9: Several ideas come to mind which is why she has been researching FERPA and find several things to talk to faculty more about. With technology, email, social media, etc., there have been times that faculty member included several students on same email which is a FERPA violation if a student's information is available for other students to see in same email.

Appendix F: Pre-Test Questions for Test and Control Groups

1. "Educational Records" include only those records contained in a student's permanent file.
True: With specific exceptions, "education records" are those maintained by the institution in any format that are identifiable to the student.

2. A faculty or staff member has the right to inspect and review the education records of any student.
False: All faculty and staff must show a "legitimate educational interest/need to know" within the context of their role to have appropriate access to education records.

3. An advisor must allow a student to inspect and review her personal notes about the student.
False: "Sole possession" records are an exception to the definition of "education records," and are therefore not accessible by the student.

4. Marshall can release non-directory information directly to the parent without consent if the student is a dependent still in high school but taking college classes.
True: Parents can have access if they can legally prove the student is their dependent.

5. A student's degree can be confirmed to anyone as long the degree information is a part of directory information.
True: The institution may release any directory information on a case-by-case basis as long as the student (while still a student) has not requested non-disclosure.

6. A professor can post student grades outside of his office door if only a portion of the student's id is used.
False: If grades are posted by name, Student ID Number, SSN (or part thereof), or something that can be fairly easily interpreted by a third party, then "yes," it's a violation.

7. Directory information may include the student's photograph.
True: An institution decides what constitutes directory information. Marshall's Directory Information policy does consider a photograph part of directory information.

8. Parents may review their child's grades if they can prove that the student is legally their dependent.
True: FERPA rights pass to the student at age 18 or when he or she begins attending a college/university. Parents have only those rights of access that the student or institution gives to the parents. In general, if the parents prove legal dependency (IRS standard, not financial aid standards), the institution may provide access to the parents.

9. FERPA rights of a student begin when the student pays his first tuition bill.
False: A FERPA-related college education record begins for a student when he or she becomes 18 or enrolls in a higher education institution at any age.

10. Marshall must obtain written permission from a student before releasing directory information.

False: The institution may release any directory information on a case-by-case basis as long as the student (while still a student) has not requested non-disclosure. However, the institution is not obligated to release directory information to anyone since FERPA states an institution "may" release. It doesn't have to.

Appendix G: Post-Test Questions for Test and Control Groups

1. Parents may review their child's grades if they can prove that the student is legally their dependent.
True: If the parent can prove that the student is legally their dependent they may request to review a copy of their child's grades. FERPA rights pass to the student at age 18 or when he or she begins attending a college/university. Parents have only those rights of access that the student or institution gives to the parents. In general, if the parents prove legal dependency (IRS standards), the institution may provide access to the parents.

2. The University must obtain written permission from a student before releasing directory information.
False: The institution may release any directory information on a case-by-case basis as long as the student has not requested non-disclosure. However, the institution is not obligated to release directory information to anyone since FERPA states an institution "may" release. It doesn't have to. The institution defines directory information as follows: name, address, email addresses, telephone numbers (permanent and campus), date and place of birth, major field of study, dates of attendance, degree and honors and awards received and classification.

3. Once a faculty or staff member has the right to inspect and review the education records of any student
False: All faculty and staff must show a "legitimate educational interest/need to know" within the context of their role to have appropriate access to education records.

4. Marshall can release non-directory information directly to the parent without consent if the student is a dependent still in high school but taking college classes.
True: A parent can have access if they can legally prove the student is their dependent.

5. A professor can post student grades outside of his office door if only a portion of the student's id is used.
False: If grades are posted by name, Student ID Number, SSN (or part thereof), or something that can be fairly easily interpreted by a third party, then "yes," it's a violation.

6. An advisor must allow a student to inspect and review her personal notes about the student.
False: "Sole possession" records are an exception to the definition of "education records," and are therefore not accessible by the student.

7. A student's degree can be confirmed to anyone as long the degree information is a part of directory information.
True: If degree information is a part of directory information, it may be released as long as the student has not requested non-disclosure.

8. FERPA rights of a student begin when the student pays his first tuition bill.
False: A FERPA-related college education record begins for a student when he or she becomes 18 or enrolls/admitted in a higher education institution at any age.

9. "Educational Records" include only those records contained in a student's permanent file.
True: With specific exceptions, "education records" are those maintained by the institution in any format that are identifiable to the student.

10. Directory information may include the student's photograph.

True: An institution decides what constitutes directory information. Marshall's Directory Information policy does consider a photograph part of directory information.