



PROTECTING THE PRIVACY OF ELL STUDENT RECORDS

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Objectives



- Overview of FERPA
- How FERPA protects the privacy of ELL students' records
- Techniques for avoiding disclosure
- Group exercise
- Q&A



Student Records are Confidential under State and Federal Law



- Privacy of individual student records is protected under the Family Education Rights and Privacy Act (“FERPA”).
 - 20 USC § 1232g (federal statute)
 - 34 CFR Part 99 (federal regulations)
- Arizona Law makes student records confidential—not a “public record”
 - ARS § 15-141(a): “the right to inspect and review educational records and the **release** of or access to these records . . . is governed by” FERPA
 - ARS § 15-1043: disclosure of SAIS information covered by FERPA
 - ARS § 15-1045: any database of pupil education records compiled by ADE is covered by FERPA

Overview of FERPA



- Student Privacy 101 for Parents and Students Video
 - From the USED Privacy Technical Assistance Center

<http://www.youtube.com/watch?v=nhlDkS8hvMU>

Basic principles of FERPA



- An “education record” belongs to the student and Parents, and the control who has access to their child’s records

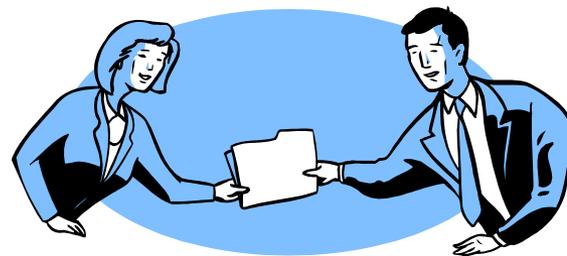


- Generally, Education records **cannot** be shared without written consent of the parent

Who is Allowed to See Individual Student Records?



- Parents
- “School Officials” with “legitimate educational need”
 - Officials where student is currently enrolled
 - Officials of a school where a student transfers



- Rule of Thumb:
 - Do you need this data to do your job?

What is an “Education Record”?



- Records that are directly related to a student
- Maintained by an educational agency or institution or a party acting for an educational agency or institution. 34 CFR 99.3



What is Personally Identifiable Information?



1. The student's name;
2. parent or other family member's name;
3. A personal ID, such as the student's SAIS number;
4. Other indirect identifiers, such as student's DOB
5. Other information or personal characteristics that, alone or in combination, would make the student's identity **easily traceable**



What about Aggregated Reports?



- When prepared with care, aggregated reports, such as counts or percentages of students, pose no risk of disclosing the identity of a student.



PII and TMI! How much is too much information?



				Passed AIMS?
				Yes
				Yes
				Yes
				No
				Yes
				No
				No
				Yes
				No
				Yes

What is Your Risk?



- Can a “reasonable person” identify individual students from the available information?
 - Paraphrased from 34 CFR §99.3 and §99.31(b)(1)
- Who is a “reasonable person?”
 - Average individual in the school community
 - Does not have inside knowledge of the relevant circumstances
 - Not teacher, coaches, administrators, volunteers
- What available information do I have to worry about?
 - other public information released by you, by ADE
 - Other reports presenting detailed data in tables
 - Media reports



How to avoid disclosing PII



- **Suppression**

Removing data to prevent the identification of individuals in small cells or with unique characteristics

- Cell Suppression
- Row Suppression
- Complimentary Suppression
- Sampling

- **Blurring**

Reducing the precision of data that is presented to reduce the certainty of identification

- Rounding
- Ranges
- Top/Bottom-Coding
- Aggregation

Suppression



- When possible, do not report counts
 - for the subgroup or group totals (these can be used as the denominators of the percentages)
 - of students in individual outcome categories (i.e., the numerators)
- Suppress results for reporting subgroups with 0 to 10 students

AND

- Suppress each of the related reporting “subgroups” regardless of the number of students in the subgroup
 - i.e., suppress the other subgroup(s) of the set of subgroups that sum to the overall group.

Blurring



Technique	Explanation	Instead of...	Try...	Considerations
Rounding	Use only whole numbers when reporting the percentage of students for each category of an outcome measure	19.4%..... 7%.....	19% 10%	Consider rounding to the nearest five or ten for very small group sizes (e.g. between 10-20 students)
Ranges	Recode percentages in to intervals	7%..... 22%.....	6-9% 20-25%	Use <u>larger</u> intervals for <u>smaller</u> group sizes
Top Coding	Recode categories with values between 95 to 100 percent to “greater than 95 percent”	97%..... 100%.....	>95% >95%	Set the range based on your group size (i.e. try recoding greater than 90% for groups with only 10-20 students)
Bottom Coding	Recode categories with values between 0 to 5 percent to “less than 5 percent”	2%..... 0%.....	<5% <5%	Set the range based on your group size (ie try recoding greater than 90% for groups with only 10-20 students)
Aggregating	Subgroups with 0 to 9 students can be combined to form an aggregated subgroup of 10 or more students	“Percent Passing” Asian – (n=2), 80% Hispanic – (n=4), 75% Native Amr. – (n=10), 77% White – (n=30), 68%	“Percent Passing” Combined Subgroup– (n=16), 77.3% White – (n=30), 68%	Use in instances with 3 or more subgroups total

Small Group Exercise



You have received a public records request for ELL data and your Superintendent wants the data in five days.

1. The passage rate of ELL students for the AZELLA test, stages I through V at each grade level.
2. The number of ELL students who passed the AZELLA test at stages I through V in each grade level specifically identifying whether those students qualified for free and reduced lunch.

Guiding Questions



- Is this a public records request?
- What clarifying questions should you ask the requester?
- What data techniques would you use to protect the identity of students?
- What other sources of data could be combined with yours that would enable someone to identify students?

Thank you



If you have questions about data privacy, contact ADE's Data Governance Team.

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