Family Educational Rights and Privacy Act
and
Financial Aid Data Sharing

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FERPA Overview

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What is FERPA?

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records.

- applies to all schools that receive funds from the U.S. Department of Education.
- enforced by the U.S. Department of Education.

FERPA is also designed to provide these rights to students:

- to inspect and review their education records.
- to correct inaccurate and misleading data.
- to control some of the disclosure of information.
Why is this important?

It is important that every person who works with student education records understands:

- What an education record is.
- What information within that record may be disclosed.
- To whom and under what conditions that information may be disclosed.
Annual Notification

Universities are to provide an annual notice to students of their rights under FERPA to:

- inspect and review their education records
- request an amendment to their education records
- request that the institution not disclose their directory information
Annual Notification

Also informs students of:

- who will be considered school officials
- what information from education records school officials can obtain without obtaining prior written consent
- examples of permissible disclosure of education records without the student’s consent
- what information the institution has designated as public or directory information
Education Records

Education records are defined as records that contain information directly related to a student and that are maintained by the institution or its agent acting on behalf of the institution.

Education records include:
- graded papers
- exams
- transcripts
- student’s current class schedule
- computer screen displaying student information
- database containing uniquely identifiable student record data
- email containing information about a student

Education records do not include:
- sole possession records
- peer graded papers
- law enforcement unit records
- employment records (unless employment is based on student status)
- medical records
- alumni records
Directory Information

FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Examples:

- name
- address
- e-mail address
- phone number
- major
- dates of attendance
- admission or enrollment status
- school
- class standing
- degrees and awards
- activities
- sports and athletic information
- student ID photos
Personally Identifiable Information (PII) includes information that can be used to distinguish or trace an individual’s identity either directly or indirectly through linkages with other information.

Examples:
- Social Security number
- Date of birth
- Grades
- Hours completed
- GPA
- Current class schedule
- Parent name and address
- Race/ethnicity
- Gender
- Country of citizenship
Exceptions

- Legitimate educational interest/need to know
  - School officials
  - Faculty
- Lawfully issued subpoenas
- Various authorized representatives of government entities
- Parents of dependent students
- A person for whom the student has taken appropriate steps to release information
School Officials

Examples of a school official:

- a person employed by the university in an administrative, supervisory, academic, research, or support position (including law enforcement personnel and health staff)
- a person or company with whom the university has contracted (attorney, auditor, collection agent, third-party vendor)
- a person serving on the Board of Trust
- a student employed by the university in a position that requires access to student records.
Verifying Identity

Authenticate identity of student, parent or authorized user before giving personal answers or information.

Know your institution’s appropriate identification verification questions.
Financial Aid Data Sharing

The laws regarding financial aid information include more than just the Family Education Rights and Privacy Act (FERPA).

We must also be aware of the Higher Education Act (HEA), the Privacy Act and guidance from the Department of Education’s Privacy Technical Assistance Center (PTAC).
Higher Education Act

- FAFSA data can only be used for the application, award and administration of financial aid from federal, state, institutional or other eligible institutions or programs.
- Personally Identifiable Information (PII) from National Student Loan Data System (NSLDS) data is prohibited from being used for non-governmental research, policy analysis and marketing purposes regardless of student consent.
- Financial Aid Offices must keep FAFSA data separate from other data collected to guarantee it is only used for awarding and administering financial aid.
FAFSA Data

- Any answers on the FAFSA required to calculate Estimated Family Contribution (EFC)
- Any information on the Institutional Student Information Record (ISIR) used to determine award eligibility
- Any financial aid awarding and disbursement data resulting from the FAFSA, EFC and ISIR answers and information
- Information contained in the Common Origination and Disbursement System (COD) is similarly protected as the FAFSA data
Privacy Act

The Privacy Act of 1974 establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies.
The language in the HEA, requires that FAFSA data only be used for the application, award, or administration of federal, state, or institutional aid, or aid awarded by other entities as designated by Department of Education.

The new language in the spending bill (FY 2018 Spending Bill passed on March 23, 2018) expands the allowable uses of FAFSA data only to permit sharing of the FAFSA data to scholarship-granting or tribal organizations to assist the applicant in applying for and/or receiving financial assistance. Therefore, it appears that institutions are still not allowed to make disclosures of FAFSA data for other uses, even with the student’s written consent.
Who is Eligible?

- Use the NASFAA Data Sharing Decision Tree to determine if a disclosure of information is allowable.
Your Role as a Data Manager

If you handle student information, you have a data management role.

- Do you share student information with internal or external individuals on behalf of the university?
- Do you manage a department system containing student information?
Red Flag Training

Identifying, Detecting and Mitigating Possible Identity Theft

Identifying Red Flags by Category:

- Suspicious documents
- Suspicious personally identifying information
- Suspicious activities
- Notices from victims of identity theft, law enforcement authorities, insurers, or others suggesting possible identity theft
Best Practices

- Use secure tools provided by the institution
- Do not send restricted information via email (SSN, etc.)
- Do not place identifying information together
- Do not store student education data on personal computers or flash drives
- Use VPN for secure remote access
- Access only the information needed to do your job
FERPA and Data Sharing
Kahoot

https://create.kahoot.it/share/ferpa-and-data-sharing-quiz/73a8caae-7b49-460e-841b-2720671243c7
FERPA and Data Sharing Quiz & Discussion
Question #1

A parent calls the financial aid office to see when financial aid award letters are going to be mailed to new students.

She does not share any additional identifying information with you. Can you tell her when award letters are scheduled to be mailed? Why or why not?
Answer #1

Yes. Because no personally identifiable information is being shared with the caller, you could provide information regarding the office’s awarding and notification schedule.

Often this information is provided to prospective and enrolled students.
Question #2

Mr. Candelabra calls the financial aid office to check on his daughter’s financial aid awards for the upcoming school year. You ask for, and he provides, the name and university ID number of the student.

Can you provide information about his daughter’s financial aid awards? Why or why not?
In this case you would need additional information before providing Mr. Candelabra with the information he is requesting.

You should first confirm that he is the parent listed on the FAFSA or authorized by the student. If so, then FERPA regulations do not keep you from disclosing information to the student’s parent or authorized user.
Question #3

Mr. Ramey calls the financial aid office at your school to check on his daughter’s financial aid awards for the upcoming school year. You ask for, and he provides, the name and UIN of the student. You review the student’s file and see that the student is classified as independent for financial-aid purposes.

Can you provide financial-aid information to this student’s father? Why or why not?
Answer #3

Under these circumstances, unless we have received written permission from the student to release personally identifiable information, nothing other than directory information may be released. The student could permit release of her personal information by providing us with a written consent form to authorize the chosen user.
Question #4

Mr. O’Conner calls the financial aid office to check on his son’s financial aid awards for the upcoming school year. You ask for, and the father provides, the student’s name and UIN. Following policy, you ask Mr. O’Conner if he included his information on the FAFSA. He indicates that he did not complete the FAFSA, his ex-wife has custody of their son and she claims him on her federal taxes. He goes on to say that he still contributes to his son’s educational expenses with a PLUS loan.

Can you provide Mr. O’Conner this financial aid information? Why or why not?
Answer #4

Yes, with caution. FERPA regulations [34 CFR 99.31 (a)(8)] state that dependent students’ tax-filing status can be with either parent, thus providing the case that either parent (married, separated or divorced) may have access to students’ education records.

While the regulations support the release of this student’s education records to the non-custodial parent, it would be best to require a written release from the student before sharing any information, because the parent calling did not complete the FAFSA.
Lucy calls the financial aid office to check on her husband’s financial aid awards for the upcoming school year. She says that her husband has asked her to do this while he is at work. Besides, she explains, she completes the FAFSA for him each year.

Can you provide Lucy with this financial aid information? Why or why not?
No. Personally identifiable information is not available to spouses of eligible students, even if the spouse’s information was supplied on the FAFSA.

Married students could, of course, provide a written release consent form allowing their spouses access to their education records.
Each spring term, the University Foundation Office calls to confirm financial aid eligibility for many of the students applying for their private scholarships, both local and endowed.

Because the University Foundation Office is assisting many of your students with financial aid, can you help their office by providing financial aid information? Why or why not?
Answer #6

Yes, but only with the student’s written consent.

The Higher Education Act says that FAFSA data can only be used for the application, award and administration of financial aid from federal, state, institutional or other eligible institutions or programs.

However, the FY 2019 Spending Bill (Oct 2018) expanded language to also allow an institution to share FAFSA data (with the student's written consent) with an organization "assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant's cost of attendance."
Question #7

A 16 year old student is taking summer courses at your institution, and their parent calls to find out their tuition bill. Since the student is under the age of 18, can you provide this information to the parent without a release or proof of dependency?
Answer #7

No. Once a student enrolls in a course at the post-secondary level, regardless of the student's age or level, all FERPA rights transfer solely to the student for those records related to post-secondary enrollment.

The student can provide a student-signed written release or proof of dependency to give the parent authorization.
Question #8

You receive an email from a student asking for the fall bill due date, the first day of class and their specific scholarship and billing information. The email address is gigemaggies@yahoo.com. What answers can you provide?
Answer #8

You can provide answers to general questions, but would need to verify their identity in order to answer specific questions.
Question #9

A professor contacts you to ask for a list of all students with an EFC between 450 and 750 for a study his graduate students are working on. They need the EFC and the students’ addresses to determine if there is a correlation. The students all signed release forms.

Can you give the professor this information?
Answer #9

No. The Higher Education Act does not allow for this.

Remember:

- FAFSA data can only be used for the application, award and administration of financial aid from federal, state, institutional or other eligible institutions or programs.
- Personally Identifiable Information (PII) from National Student Loan Data System (NSLDS) data is prohibited from being used for non-governmental research, policy analysis and marketing purposes regardless of student consent.
- Financial Aid Offices must keep FAFSA data separate from other data collected to guarantee it is only used for awarding and administering financial aid.
Question #10

A faculty member contacts you to ask for financial aid information about a particular student without giving a reason. Can you give them this information?
Answer #10

No. Asking to look at a student’s financial aid without legitimate educational purpose is not allowable.
2019 New Aid Officer Workshop

Familiarize yourself with your institutional FERPA policy.
Ask for help when you are unsure.

When in doubt, don’t give it out!
2019 New Aid Officer Workshop

Links


Student Privacy: https://studentprivacy.ed.gov/faq/what-ferpa

NASFAA Data Sharing Decision Tree: https://www.nasfaa.org/news-item/17144/Data_Sharing_Decision_Tree_Updated_to_Reflect_Expanded_Allowable_Data_Sharing

PTAC Guidance on Use of Financial Aid Information:

NASFAA Data Sharing:

Legitimate Educational Interest:
https://nces.ed.gov/pubs2004/privacy/section_4b.asp

Sharing FAFSA Data with Private Scholarship Providers:
THANK YOU!

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STOP TRYING TO MAKE FERPA FUN  
IT'S NEVER GOING TO HAPPEN

Texas Association of Student Financial Aid Administrators