

Case Study #2: Head Start Program

Illustrating an SEA sharing data with a Head Start Program

About PTAC

The U.S. Department of Education established the Privacy Technical Assistance Center (PTAC) as a “one-stop” resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems and other uses of student data. PTAC provides timely information and updated guidance through a variety of resources, including training materials and opportunities to receive direct assistance with privacy, security, and confidentiality of student data systems. More PTAC information is available at <https://studentprivacy.ed.gov>.

PTAC welcomes input on this document and suggestions for future technical assistance resources relating to student privacy. Comments and suggestions can be sent to PrivacyTA@ed.gov.

Purpose

In December 2011, the U.S. Department of Education (Department or we) released new regulations governing the Family Educational Rights and Privacy Act (FERPA), ([76 FR 75604 \(Dec. 2, 2011\)](#)), and supplemental non-regulatory guidance. We are providing the following case study to illustrate how specific provisions of FERPA may be implemented. This case study uses fictional agencies, does not address individual circumstances, and does not consider additional legal requirements that may be required under other Federal, state, or local laws.

We will release additional case studies, and welcome suggestions for future topics. Comments and suggestions can be sent to PrivacyTA@ed.gov.

Background

In State A, a local community action organization operates a large Head Start program for its city called XYZ Head Start. The majority of XYZ Head Start’s funding comes from the U.S. Department of Health and Human Services (HHS); XYZ Head Start does not receive funding from the U.S. Department of Education. XYZ Head Start wants to evaluate how well the Head Start program is preparing children for school by obtaining information about its former students’ performance in grades K-3. Specifically, XYZ Head Start would like to receive data about its students from the statewide longitudinal data system (SLDS) run by the state education agency (SEA) in State A.

XYZ Head Start asks the SEA to share K-3 data to conduct this evaluation.

What does the SEA do?

The SEA notes that FERPA’s audit and evaluation exception allows an educational agency or institution to disclose personally identifiable information (PII) from education records to authorized representatives without consent to evaluate Federal- or state-supported education programs ([34 CFR § 99.31\(a\)\(3\)](#); [34 CFR § 99.35](#)). The SEA determines that XYZ Head Start runs a federally supported education program because it receives Federal funding from HHS and is principally engaged in the provision of early childhood education.

The SEA enters into a written agreement with XYZ Head Start that designates XYZ Head Start as its authorized representative to evaluate XYZ Head Start’s federally supported education program. This agreement

- designates XYZ Head Start as the SEA’s authorized representative;
- specifies the PII to be disclosed;

- specifies that the PII is being shared to allow XYZ Head Start to evaluate the Head Start program and describes how it will be used to evaluate the Head Start program;
- requires that XYZ Head Start destroy the incoming PII when it is no longer needed for the purpose specified and provides a time period for that destruction; and
- establishes policies to protect the PII from further disclosure or unauthorized use, including specifying that XYZ Head Start may not re-disclose the PII.

The SEA, aware of its responsibility to use reasonable methods to make sure, to the greatest extent practicable, that XYZ Head Start uses the information only to carry out the specified evaluation, follows best practices identified in the [Guidance for Reasonable Methods and Written Agreements](#). Specifically, the SEA requires quarterly updates from XYZ Head Start on its progress on its study plan, reviews the organization's final report and conclusions, and requires written confirmation from the Director of XYZ Head Start after the evaluation is concluded certifying that the data received from the SEA have been destroyed.

The SEA records the disclosure of education records to XYZ Head Start, identifying the students whose records were disclosed and that the reason for the disclosure was to permit XYZ Head Start to evaluate its early childhood education program.

What does XYZ Head Start do?

XYZ Head Start, aware that it is receiving electronic information that is FERPA-protected, chooses to adopt many of the best practices identified in [Data Security: Top Threats to Data Protection](#). As a further best practice, the organization also establishes mandatory data security training for its employees, as recommended in [Data Security and Management Training: Best Practice Considerations](#). XYZ Head Start also complies with the terms of its written agreement with the SEA.