

STUDENT PRIVACY

SHARING INFORMATION BETWEEN COCS AND SCHOOLS

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HomeBase

Advancing Solutions to Homelessness

WHAT IS FERPA?

- The Family Educational Rights and Privacy Act of 1974 (also called the Buckley Amendment)
- Protects the privacy of student educational records
- Applies to educational institutions that receive funds under Department of Education programs
- ed.gov/fpco

WHAT IS HMIS?

- Homeless Management Information System
- A locally-administered electronic data collection system that stores information about persons using local homeless assistance programs.
- The U.S. Department of Housing and Urban Development (HUD) mandates HMIS implementation in response to a Congressional directive to capture data on homelessness

WHAT DATA DOES HMIS COLLECT?

HUD mandates the minimum information that all programs participating in HMIS must enter, which includes:

- Name
 - Social Security Number
 - Date of Birth
 - Race
 - Ethnicity
 - Gender
 - Veteran Status
 - Disabling Condition
- Most programs collect additional information

WHAT DO WE DO WITH HMIS DATA?

- Depending on the community, some data may be shared with other programs to facilitate local collaboration
- Aggregate (de-identified) data may be used to drive local and national policymaking
- HUD requires communities to report aggregate information about their homeless population during an annual point-in-time (PIT) count of sheltered homeless persons (e.g. those in emergency shelter or transitional housing).

WHO PARTICIPATES IN HMIS?

- All programs funded through certain HUD and Veteran's Administration programs are required to participate
- Other homeless housing and services organizations
- Mainstream (non-homeless specific) programs serving people experiencing homelessness

HUD'S PRIVACY STANDARD: PROTECTED PERSONAL INFORMATION

Any information maintained by an organization contributing data to HMIS about a living homeless person that:

- Identifies, directly or indirectly, a specific person; or
- Can be manipulated to identify a specific person; or
- Can be linked with other available information to identify a specific person

WHY DOES SCHOOL COLLABORATION WITH HMIS MATTER?

- **Interagency Council on Homelessness (USICH) plan “Opening Doors” calls for an end to family homelessness by 2020**
- **HUD is focused on eliminating child and youth homelessness**
 - Increased emphasis on counting homeless youth during PIT counts
 - Collaboration with local education authorities is one factor HUD uses to score communities during the annual Continuum of Care (CoC) funding competition

EDUCATIONAL RECORDS AND PRIVACY UNDER FERPA

- Records that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. 20 USC § 1232g(4)(A)

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- Records that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. 20 USC § 1232g(4)(A)
- Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA

WHAT'S NOT AN EDUCATIONAL RECORD

- Campus police records
- Medical records (subject to privacy regulations under other laws)
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.

TWO TYPES OF EDUCATIONAL RECORDS

Directory Information	Non-Directory Information
Written consent advisable but not required; Parent/adult student has right to limit disclosure (opt-out)	Written consent required (opt-in)
<ul style="list-style-type: none">• Name• Address• Phone number and email address• Dates of attendance• Degree(s) awarded• Enrollment status• Major field of study	<ul style="list-style-type: none">• Social Security numbers• Student identification numbers• Race, ethnicity, or nationality• Gender• Transcripts; Grades

DISCLOSURE OF DIRECTORY INFORMATION UNDER FERPA

- FERPA permits but does not require LEAs to disclose directory information, which may include the student's name, address, telephone listing, and grade level (34 CFR 99.3, definition of "directory information").
- The LEA may disclose directory information to other agencies provided that the LEA has both publicly designated that information as directory information and either the parent or eligible student has not opted out:
 - the parent or guardian if the youth is under age 18
 - the youth if age 18 or over
 - the youth if an emancipated minor
 - or any youth enrolled in a post-secondary institution.(34 CFR 99.3 for definitions of "eligible student" and "parent", 99.31(a)(11) and 99.37(a))

WHAT DATA CAN SCHOOLS SHARE WITH COCS?

- Schools may disclose aggregate student information that does not include any PII for research and evaluation purposes
- Directory information, as long as the parent or eligible student has not opted out
- The number of students experiencing homelessness at the time of the PIT count, including information about grade level, primary nighttime residence, race, and gender, *as long as that data does not include PII*
- Schools may view PII to de-duplicate their count of homeless students, but may not disclose PII to a CoC for de-duplication

UHY CONSENT FOR DISCLOSURE

- FERPA does not specifically afford rights to Unaccompanied Homeless Youth (UHYs) who are unemancipated minors under 18 and in attendance at public schools but who are separated from their parents; nevertheless, **schools may use their judgment in determining whether these UHYs are responsible enough to exercise certain privileges, such as providing consent for disclosure (34 CFR § 99.5(b); also see Q&A 6: <http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferpa-disaster-guidance.pdf>).**
- The McKinney-Vento Act requires LEAs to immediately enroll UHYs identified by local liaisons or designees and they may sign LEA forms requiring adult signatures for full participation in school activities. However, **liaisons or designees cannot sign consent forms to disclose student information to other agencies or opt out of directory information.**

CHALLENGES FOR COC/LEA COLLABORATION

- **Reporting burden vs. potential benefit:** LEAs identify large numbers of homeless children and youth (HCYs) who are doubled-up or living in motels and thus may not be eligible or prioritized for HUD-funded services; LEA staff capacity
- **Different program purposes:** LEAs cannot use Federal education funds to house homeless students; their goal is to stabilize schooling during homelessness; students are eligible for most services until the end of the school year, except school of origin transportation, which can be costly
- **Unforeseen risks:** Concern about disclosing PII to other agencies, e.g., families doubling up in PHA sites could both be evicted; fear of FERPA violations

FEDERAL EHCY PRIMARY NIGHTTIME RESIDENCE REPORTING

All LEAs must report to ED, annually via their SEAs, the primary nighttime residence (PNR) at the time of a student's identification as homeless in these categories:

- Shelters: Shelters, transitional housing, awaiting foster care
- Doubled-Up: e.g., living with another family
- Unsheltered: e.g., cars, parks, campgrounds, temporary trailer, or abandoned buildings
- Hotels/Motels
- Total (for LEAs with and without subgrants)

WHAT IS PPRA?

- Protection of Pupil Rights Amendment of the General Educational Provisions Act
- Governs administration of certain types of surveys to students

PROTECTED AREAS

- Subjects protected under PPRA include:
- Mental or psychological problems of student or student's family
- Sexual behaviors or attitudes
- Illegal, anti-social, self-incriminating or demeaning behavior

NOTIFICATION REQUIREMENTS

- Direct notification of parents or adult/emancipated minor students (such as through U.S. Mail or email)
- Provide opportunity to opt out
- PPRA transfers the rights of parents under the PPRA to students who are 18+ or emancipated minors (20 U.S.C. 1232h(c)(5)(B)).

SURVEYS AND HUMAN SUBJECTS RESEARCH

- The (Federal) **Common Rule for the Protection of Human Subjects in Research** (Regulation) applies if the research is done by a participating agency or is funded by a participating agency through contract or grant (see 34 CFR 97).
- Under the Federal Wide Assurance (FWA), institutions must establish **Institutional Review Boards (IRB)** to review proposed research for adequate human subject protections.
- LEA staff should not administer a survey developed locally by other agencies to HCY' s, but they may let parents, guardians and UHY' s know about other organizations that are conducting these surveys **if LEA policies permit this**.
- LEA staff should try not to stigmatize HCY' s in informing them of the PIT count survey but let the youth know about the survey' s purpose and content, the potential benefits and the right not to respond to all questions.

USING SCHOOL DATA FOR PIT COUNTS

- Because children and youth are required to attend school, educators are key partners in identifying homeless students.
- *Remember:* HUD's definition of homelessness differs from the definition used by the Department of Education and the McKinney-Vento Education Liaisons

See handout

SUMMARY OF WAYS LEAS MAY PARTICIPATE IN PIT COUNTS

- Disclose aggregate data on homeless children and youth enrolled or served by LEA (also by grade level and primary nighttime residence if not PII).
- Reconfirm the homeless status of the students identified and provide a PIT count.
- Let students know about PIT Count events or participating organizations, if LEA policies permit.
- Review surveys with PII administered by other agencies for the purpose of unduplicating counts

STRATEGIES FOR COLLABORATION AND DATA DISCLOSURE

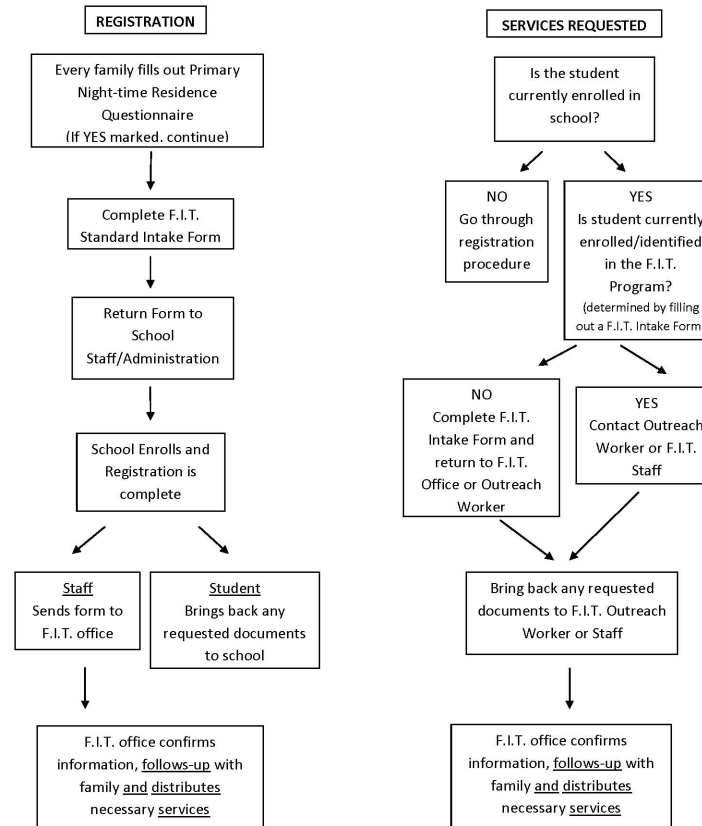
- Many LEAs have already collaborated in interagency homeless children and youth counts in the following ways:
- Getting homeless parent or guardian consent at enrollment or afterwards, also for UHY' s who are 18 and over (e.g., Texas--Cypress-Fairbanks LEA near Houston)
- Entering information directly into the local Homeless Management Information System with parental consent (Michigan—Detroit/Wayne County, Upper Peninsula LEAs; North Carolina—Winston-Salem/Forsyth; Waco, Texas)
- Creating interagency memorandums of agreement (Pennsylvania--Philadelphia and Pittsburgh) for database sharing for certain purposes
- Encouraging LEA staff to volunteer in point-in-time counts (Minnesota-Anoka-Hennepin LEA)

SPOTLIGHT: DIRECT HMIS DATA ENTRY

- West Contra Costa Unified School District, Contra Costa County, CA
See handout

WCCUSD INTAKE PROCESS

Intake Flow Chart for Families In Transition Students



Families In Transition Department

(510) 307-4508

Email: fit@wccusd.net

TOOLS AND RESOURCES: ED

- ❑ NCHE' s “Best Practices in Interagency Collaboration” brief
<http://center.serve.org/nche/downloads/briefs/hud.pdf>
- ❑ NCHE' s “Determining Eligibility” brief
http://center.serve.org/nche/ibt/sc_eligibility.php
- ❑ National Center for Homeless Education, homeless@serve.org,
1-800-308-2145 (toll-free)

FINDING YOUR STATE COORDINATOR AND LOCAL LIAISON

Find your EHCY State Coordinator:

○ http://center.serve.org/nche/states/state_resources.php

✓ Click state on the map

The State Coordinator can provide contact information for local liaisons in LEAs covered by certain CoCs

State Resources

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For help finding housing or other support services in your area, please contact your [local United Way](#) or [local Salvation Army](#).



National Homeless Education Data

[View national homeless education data](#) (Consolidated State Performance Report)
State homeless education data can be found by clicking on the state name below.

Resources by State

Use the [map](#) or [text links](#) below to access resources by state. Resources include the contact information for the State Coordinator of Homeless Education, the state's Education of Homeless Children and Youth program webpage (where available), and other statewide resources dealing with homelessness and homeless education. Check back regularly for page updates.

State Coordinators for Homeless Education

Every state is required by federal law to have a State Coordinator for Homeless Education. This person is responsible for ensuring the understanding of and compliance with the McKinney-Vento Homeless Assistance Act in public schools throughout the state.

Download a [contact list](#) of State Coordinators for Homeless Education or select the state [below](#) to view the State Coordinator contact information for that state.

National Organizations

[Institute for Children, Poverty, and Homelessness](#)

[National Alliance to End Homelessness](#)

[National Association for the Education of Homeless Children and Youth](#)

[National Coalition for the Homeless](#)

[National Center on Family Homelessness](#)

[National Clearinghouse on Families and Youth](#)

[National Law Center on Homelessness and Poverty](#)

[National Network for Youth](#)



QUESTIONS?

- Ashley Hart McIntyre, Staff Lawyer, HomeBase
ashley@homebaseccc.org
- Jeff Ugai, Staff Attorney, HomeBase
jeff@homebaseccc.org