DQC Data Quality Campaign

Data Sharing to Help Students Succeed After High School

The Why and How for Education Leaders

State leaders have a responsibility to use their data systems to help students seamlessly navigate transitions from high school into college, workforce training programs, the military, and apprenticeships. Many state leaders are meeting this responsibility with initiatives through which public postsecondary education institutions or providers of nondegree credentials proactively notify high school students who meet certain academic or other criteria that they are eligible for admission.

These initiatives include automatic admissions and other programs sometimes called streamlined admissions. They help create a more streamlined transition from high school to postsecondary for all students by:

→ **Directing students to high-quality, low-cost programs** by making understanding and opting into higher-quality state options easier for students—ultimately making vulnerable students less susceptible to predatory businesses.

→ **Supporting students through postsecondary application processes by reducing the number of forms and applications they need to complete.** Students with the least access to postsecondary preparation resources are often less aware of their post–high school options and more harmed by complex application processes for colleges, apprenticeships, and other nondegree programs.

→ **Reducing administrative burdens for institutions.** Traditional admissions procedures require a substantial amount of processing, review, and staff capacity.

→ **Giving states critical information to support education and workforce goals** by ensuring that state leaders understand students' postsecondary opportunities and decisions.
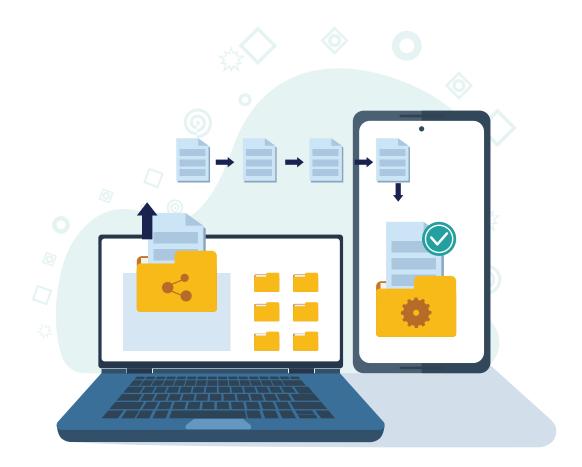
Establishing secure, timely, and effective data-sharing processes to make enrolling in postsecondary education and workforce programs simpler for students isn't always easy, but schools, districts, postsecondary institutions, providers of nondegree credentials, and states have clear pathways to move this work forward. Because using data to support postsecondary transition initiatives requires exchanging select data between K–12 and postsecondary institutions, state leaders must design data-sharing processes that put legal compliance, ethics, and transparency at the forefront. **This resource addresses the benefits of using data to help students pursue postsecondary education or workforce training, the challenges of implementing these initiatives, and how state agencies and institutions of higher education can navigate Family Educational Rights and Privacy Act (FERPA) compliance when implementing them.**

The Challenges

FERPA articulates when and how personally identifiable student data can be shared for legitimate educational purposes. The law includes few express prohibitions on that use, especially if a parent or an eligible student (a student who is age 18 or a student of any age who is attending a postsecondary institution) consents. Still, many institution, state, and local leaders have difficulty navigating the parameters around safely sharing student information between K–12 and postsecondary systems for the purpose of easing the transition from high school to college. Reasons for this difficulty include:

→ FERPA was written in 1974 and does not explicitly address the use of technology for data management or how the law's data-sharing exceptions apply to data use for automatic admissions to postsecondary institutions.

→ The US Department of Education (ED) issued regulations in 2008 and 2011 clarifying that education records within a statewide longitudinal data system (SLDS) could be shared under certain conditions with state agencies without being considered a redisclosure of data. But many education leaders and lawyers aren't clear on how these conditions apply to automatic admissions.

→ ED has not provided additional legal clarity on this aspect of FERPA, leaving institution, state, and local leaders to create data-sharing workarounds that come with unnecessarily and prohibitively high administrative burdens.

Despite these challenges, **states *can and do* share data to implement initiatives to help students enroll in postsecondary programs in ways that are fully legal, safe, and ethical.**

The How

The challenges to using and sharing data stem largely from a lack of clarity about how FERPA works rather than from any prohibitions in FERPA around data use for postsecondary access programs. In fact, state agencies and postsecondary institutions have several options available to them; the option they choose will likely depend on their staff capacity, data system infrastructure, and state legal frameworks and on the specifics of how they design their program.

States can take two general approaches: obtaining direct consent to share student data or securely exchanging basic directory information of eligible students.

1. K–12 schools, districts, and/or states can obtain parental or eligible student consent to share relevant data with the state's postsecondary institutions or systems.

BENEFITS

Obtaining consent provides a straightforward pathway for sharing data with a postsecondary institution. Once consent is obtained, student-level data can be provided directly from the K–12 school (or through the state's data system) to the postsecondary institution, which can then make admissions offers to students directly. Obtaining parental or eligible student consent also provides an avenue for sharing information with parents and students about postsecondary opportunities including college, the military, and career and technical education options.

CHALLENGES

Agencies typically avoid this option due to concerns about administrative burden for the K–12 entity (school, district, state) and for the institution receiving the data. K–12 entities also may need to work especially hard to reach traditionally underserved students (e.g., students whose parents do not speak English or those without a fixed address) to ensure equity for all students. States can minimize burden and create efficiencies for both K–12 schools and postsecondary institutions by using their SLDS to share information once consent has been given.

TIPS FOR IMPLEMENTATION

K–12 schools can provide this opportunity for consent with back-to-school forms or other information routinely shared with students and parents. The forms need to communicate clearly why this information may be shared and the direct benefit to students. Providing clear use cases and the impact on students can help families weigh the risk of sharing information. Schools may also include additional information about other postsecondary options, including the military or industry-recognized nondegree credentials.

2. K–12 schools, districts, and/or states can provide basic directory information of students who meet the postsecondary institution's admissions requirements directly to the postsecondary institution.

BENEFITS

This approach requires K–12 entities to share only student names and addresses (information typically designated by educational agencies as disclosable "directory information" under FERPA). It does not involve sharing broader education records that are protected by FERPA, such as grades or assessment results. With this approach, postsecondary institutions share their admissions requirements with high schools, districts, or states. States or school districts then send directory information to the postsecondary institutions, and the institutions send out admissions letters directly to those students. When states facilitate the transmission of directory information through their SLDS, they can minimize the data collection and sharing burden for the K–12 entity and the postsecondary institution.

CHALLENGES

Even though K–12 entities do not disclose education records with this approach, some student information could be inferred based on the list of students who meet the postsecondary institution's admissions criteria. It also still presents a significant administrative burden for K–12 entities, which must devote time to reviewing student records in accordance with the postsecondary institution's admissions criteria. In addition, because this approach doesn't require parental consent, parents and students may not receive clear information about the benefit of the state's admissions policies and additional post-high school opportunities. Finally, postsecondary institutions will still need to maintain their traditional admissions processes to admit students who don't meet the precise academic criteria that comprise the state's automatic admissions requirements.

TIPS FOR IMPLEMENTATION

Schools or school districts already designate eligible information as "directory information" and must provide parents and eligible students an opportunity to opt out of directory information disclosures. This directory information approach can work seamlessly within an SLDS or a statewide K–12 student information system, minimizing the sharing of data and creating efficiencies in transferring data from K–12 to postsecondary data systems. However, even when data can be shared legally without parental or eligible student consent, K–12 entities should communicate openly with parents about how data is being shared to support students' postsecondary success.

State agencies should consult with legal counsel familiar with both FERPA and their state's specific education privacy laws when designing an automatic admissions program. The specific structure of a state's program and its legal framework will determine which exceptions are most appropriate and how they should be implemented.