

Attachment C
District Collection Supplemental Materials

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Invitation Letter to District Superintendent



UNITED STATES DEPARTMENT OF EDUCATION INSTITUTE OF EDUCATION SCIENCES

[DATE]

Dear [FILL DISTRICT SUPERINTENDENT NAME],

To get started, go to
[Website]
Login ID: [ID]
Password: [password]

In 2011, [Your district] agreed to participate in and provide data to support the National Longitudinal Transition Study 2012 (NLTS 2012), an important study that is being sponsored by the U.S. Department of Education (ED) to provide information about the transition planning, services, and outcomes of high school youth. At that time, your district provided lists of enrolled students so that a sample of students both with and without disabilities, including those with 504 plans under the Rehabilitation Act, could be selected. Surveys of those students and their parents were administered between Spring 2012 and Summer 2013. Now we are asking you to provide school records for [xx] students sampled from your district.

The NLTS 2012 study is the only source of information that can provide a national picture of the experiences of youth with and without disabilities in the same school districts. The data being collected for the study are essential to shaping policy for youth with disabilities, and are part of a congressionally mandated assessment of the Individuals with Disabilities Education Act (IDEA). We would greatly appreciate your continued support of this important study.

We are asking your district to complete the following steps on the study website:

- Provide high school transcripts for each student.
- For student data that is not available on transcripts, fill out a spreadsheet template.
- Provide copies of high school catalogs.

The enclosed **Data Element List** includes a list of the information we are requesting for each sampled student. The **Quick Guide to Providing Student Data** includes instructions for providing data. To minimize the burden of participating on your district, you can choose from several options for providing the requested information. We ask that you complete the request by **[date]**.

Note that student or parental consent is not required for release of student record information for the purposes of this study. The data request conforms fully to the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) (34 CFR Part 99). Under FERPA's general consent rule, ED is authorized to obtain student level data from institutions for any study-eligible student, without prior consent, if the disclosure is to authorized representatives of the Secretary of Education [34 CFR § 99.31(a)(3)]. You can review the legislation using the enclosed FERPA Fact Sheet or online at <http://www2.ed.gov/policy/gen/reg/ferpa>. Section 617(c) of IDEA, 20 U.S.C. 1417(c) and its regulations in 34 CFR sections 300.610 through 300.626 incorporate this FERPA provision for students with disabilities. All information that could be used to identify individuals may be used only for statistical purposes and may not be disclosed or used in a way that identifies individual participants, except as required by law (ESRA 2002, 20 U.S.C. § 9573). When reporting the results, data will be presented so that individuals cannot be identified.

We very much appreciate your support and cooperation with this important study and we look forward to working with you as we begin the data collection activities. NLTS 2012 Phase II data collection is being administered for ED by RTI International, a not-for-profit research organization. If you have any questions, please do not hesitate to contact the Help Desk at [phone] or [email]. You may contact ED at [phone] or [email].

Sincerely,

[Signature]
Yumiko Sekino
NLTS 2012 Project Officer
National Center for Education Evaluation and Regional Assistance

[Signature]
Michael Bryan
Director, NLTS 2012 Phase II
Center for Education Surveys

ED is authorized to conduct the National Longitudinal Transition Study 2012 (NLTS 2012) by the Education Sciences Reform Act of 2002 (ESRA 2002, 20 U.S.C., § 9543). The data are being collected for ED by RTI International, a nonprofit research organization based in North Carolina. Data collected are used only for statistical purposes and may not be disclosed or used, in identifiable form, for any other purpose except as required by law (ESRA 2002, 20 U.S.C., § 9573).

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a

Invitation Letter to District Coordinator



UNITED STATES DEPARTMENT OF EDUCATION

INSTITUTE OF EDUCATION SCIENCES

[DATE]

To get started, go to
[Website]
Login ID: [ID]
Password: [password]

Dear [FILL DISTRICT REPRESENTATIVE NAME],

In 2011, [Your district] agreed to participate in and provide data to support Phase II of the National Longitudinal Transition Study 2012 (NLTS 2012), an important study that is being sponsored by the U.S. Department of Education (ED) to provide information about the transition planning, services, and outcomes of high school youth. At that time, your district provided lists of enrolled students so that a sample of students both with and without disabilities, including those with 504 plans under the Rehabilitation Act, could be selected. Surveys of those students and their parents were administered between Spring 2012 and Summer 2013. Now we are asking you to provide school records for [xx] students sampled from your district.

The NLTS 2012 study is the only source of information that can provide a national picture of the experiences of youth with and without disabilities in the same school districts. The data being collected for the study are essential to shaping policy for youth with disabilities, and are part of a congressionally mandated assessment of the Individuals with Disabilities Education Act (IDEA). Your superintendent, [NAME], has designated you as your district's coordinator for completing NLTS 2012 Phase II. We would greatly appreciate your continued participation in this important study.

We are asking your district to complete the following steps on the study website:

- Provide high school transcripts for each student.
- For student data that is not available on transcripts, fill out a spreadsheet template.
- Provide copies of high school catalogs.

The enclosed **Data Element List** includes a list of the information we are requesting for each sampled student. The **Quick Guide to Providing Student Data** includes instructions for providing data. To minimize the burden of participating on your district, you choose from several options for providing the requested information. We ask that you complete the request by **[date]**.

Note that student or parental consent is not required for release of student record information for the purposes of this study. The data request conforms fully to the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) (34 CFR Part 99). Under FERPA's general consent rule, ED is authorized to obtain student level data from institutions for any study-eligible student, without prior consent, if the disclosure is to authorized representatives of the Secretary of Education [34 CFR § 99.31(a)(3)]. You can review the legislation using the enclosed FERPA Fact Sheet or online at <http://www2.ed.gov/policy/gen/reg/ferpa>. All information that could be used to identify individuals may be used only for statistical purposes and may not be disclosed or used in a way that identifies individual participants, except as required by law (ESRA 2002, 20 U.S.C. § 9573). When reporting the results, data will be presented so that individuals cannot be identified. Section 617(c) of IDEA, 20 U.S.C. 1417(c) and its regulations in 34 CFR sections 300.610 through 300.626 incorporate this FERPA provision for students with disabilities.

We very much appreciate your support and cooperation with this important study and we look forward to working with you as we begin the data collection activities. NLTS 2012 Phase II data collection is being administered for NCEE by RTI International, a not-for-profit research organization. If you have any questions, please do not hesitate to contact the Help Desk at [phone] or [email]. You may contact NCEE at [phone] or [email].

Sincerely,

[Signature]
Yumiko Sekino
NLTS 2012 Project Officer

[Signature]
Michael Bryan
Director, NLTS 2012 Phase II

ED is authorized to conduct the National Longitudinal Transition Study 2012 (NLTS 2012) by the Education Sciences Reform Act of 2002 (ESRA 2002, 20 U.S.C., § 9543). The data are being collected for ED by RTI International, a nonprofit research organization based in North Carolina. Data collected are used only for statistical purposes and may not be disclosed or used, in identifiable form, for any other purpose except as required by law (ESRA 2002, 20 U.S.C., § 9573).

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this voluntary information collection is 1850-0882. The time required to complete the information collection is estimated to average 17 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate, suggestions for improving the collections, or any comments or concerns regarding the status of your individual submission of these data, please write to: U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537.

District Brochure Text

[*LOGO* NLTS 2012, ED, IES]

National Longitudinal Transition Study 2012

Conducted by:

Institute of Education Sciences
U.S. Department of Education

Data Collected by:

RTI International

About the Study

NLTS 2012 will inform policy, practice, and future research by examining the high school and post-high school outcomes of youth and how these outcomes are related to their high school experiences and to the services and supports they receive. In particular, the study will describe the secondary and postsecondary trajectories of youth with an Individualized Education Program (IEP), in comparison with the trajectories of youth with a Section 504 plan and youth with no identified disability. The current effort, Phase II of the study, will combine data from multiple sources to create a comprehensive picture of students' progress through high school and into college, training, and employment. These sources include school records and transcripts from participating districts, college enrollment information from the National Student Clearinghouse, college financial aid information from the Department of Education's Federal Student Aid (FSA) data files, employment and earnings data maintained by the Social Security Administration (SSA), and information about vocational rehabilitative services and supports from the Rehabilitative Services Administration (RSA).

Why NLTS 2012 is Important

More than 2.7 million youth with disabilities between the ages of 13 and 21 receive special education services funded under Part B of the Individuals with Disabilities Education Act (IDEA). A major challenge in developing policies and improving practices to assist transition-age youth is securing reliable and complete information on their diverse needs, school experiences, and postsecondary paths. NLTS 2012 is the only source of information that can provide a national picture of the experiences of youth with and without disabilities in the same school districts. The data collected under Phase II of the study are essential to shaping policy for youth with disabilities and are part of a congressionally mandated assessment of the Individuals with Disabilities Education Act (IDEA). While NLTS 2012 is entirely voluntary, the participation of every district is critical to ensure the completeness and accuracy of results.

Release of Student Data

The Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. § 1232g) allows for the release of student data to the Secretary of Education or his agent without prior consent of sample members [20 U.S.C. 1232g(b)(3)]. RTI International, as the contractor for ED, is authorized to collect

student data without explicit consent for the purposes of this study under the conditions described under 34 CFR § 99.31(a)(3). FERPA requires ED and RTI to safeguard all obtained data. Section 617(c) of IDEA, 20 U.S.C. 1417(c) and its regulations in 34 CFR sections 300.610 through 300.626 incorporate this FERPA provision for students with disabilities.

Confidentiality and Data Security

ED is required to follow strict procedures to protect the confidentiality of persons in the collection, reporting, and publication of data. All information that could be used to identify individuals may be used only for statistical purposes and may not be disclosed or used in a way that identifies individual participants, except as required by law (ESRA 2002, 20 U.S.C. § 9573). When reporting the results, data will be presented so that individuals cannot be identified.

Secure Sockets Layer (SSL) protocol will be used to encrypt the data uploaded to the study website. Computer accounts used to access data will be password protected with multilevel access controls to ensure that only authorized individuals are allowed access to confidential data. All members of the study team having access to confidential data have been trained on the importance of confidentiality and data security and have signed affidavits of nondisclosure.

Contact Information

If you have questions or concerns about NLTS 2012, please contact us.

[Toll Free Phone; Email Address]

District Data Collection Website Text

Paperwork Reduction Act of 1995

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this voluntary information collection is 1850-0882. The time required to complete the information collections is estimated to average 17 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate, suggestions for improving the collections, or any comments or concerns regarding the status of your individual submission of these data, please write to: U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537.

FAQs

What is this study all about?

The National Longitudinal Transition Study 2012 (NLTS 2012) will inform policy, practice, and future research by examining the high school and post-high school outcomes of youth and how these outcomes are related to their high school experiences and to the services and supports they receive. The study will describe the secondary and postsecondary education trajectories of youth with an Individualized Education Program (IEP), in comparison with the trajectories of youth with a Section 504 plan and youth with no identified disability. The current effort, Phase II of the study, will combine data from multiple sources to create a comprehensive picture of students' progress through high school and into college, training, and employment.

How was my district selected?

Your district was scientifically sampled for NLTS 2012 from all districts listed in the Common Core of Data (CCD) universe of local education agencies (LEAs). To be eligible for selection, your district must have served at least 30 students with an Individualized Education Program (IEP) around the time of selection. As part of the Phase I collection in 2011, your district provided lists of enrolled students so that a sample of students both with and without disabilities, including those with 504 plans under the Rehabilitation Act, could be selected. Those students and their parents were surveyed between Spring 2012 and Summer 2013. The current round of the study, Phase II, includes all districts that participated in the Phase I collection, and involves collecting transcripts and other student records for the students selected from your district.

Why is my district's participation important?

More than 2.7 million youth with disabilities between the ages of 13 and 21 receive special education services funded under Part B of the Individuals with Disabilities Education Act (IDEA). A major challenge in developing policies and improving practices to assist transition-age youth is securing reliable and complete information on their diverse needs, school experiences, and postsecondary paths. NLTS 2012 is the only source of information that can provide a national picture of the experiences of youth with and without disabilities in the

same school districts. The data collected under Phase II of the study are essential to shaping policy for youth with disabilities and are part of a congressionally mandated assessment of the Individuals with Disabilities Education Act (IDEA). While NLTS 2012 is entirely voluntary, the participation of every district is critical to ensure the completeness and accuracy of results.

What data is being collected?

Your district is asked to provide data on course-taking, attendance, and assessment data, such as courses, credits, grades, statewide 8th grade and high school state assessment scores, dates of enrollment, attendance, suspensions, expulsions, whether a youth completed high school, and, if so, the type of credential earned. A full list of the data elements requested may be found [here].

In addition to the data provided by your district, the study will collect college enrollment information from the National Student Clearinghouse, college financial aid information from the Department of Education's Federal Student Aid (FSA) data files, employment and earnings maintained by the Social Security Administration (SSA), and information about vocational rehabilitative services and supports from the Rehabilitative Services Administration (RSA).

Do we need to have the student's permission before providing this information?

No. Student or parental consent is not required for release of student record information for the purposes of these studies. The data request conforms fully to the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) (34 CFR Part 99). Under FERPA's general consent rule, ED is authorized to obtain student level data from districts for any study-eligible student, without prior consent, if the disclosure is to authorized representatives of the Secretary of Education [34 CFR § 99.31(a)(3)]. Student data are subject to strict protections that are adhered to by ED and its contractor organizations. You can review this legislation on the U.S. Department of Education's website at <http://www2.ed.gov/policy/gen/reg/ferpa>.

Section 617(c) of IDEA, 20 U.S.C. 1417(c) and its regulations in 34 CFR sections 300.610 through 300.626 incorporate this FERPA provision for students with disabilities. You can review this legislation on the U.S. Department of Education's website at <http://www2.ed.gov/policy/gen/reg/ferpa>.

FERPA regulations also stipulate that all disclosures be reported in the student record, with an indication of who received the information and their legitimate interests in the information. For schools without electronic student record systems, we have provided a [Disclosure Notice] for inclusion in students' records. These notices fulfill the requirements of 34 CFR 99.32(a) pursuant to the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). Electronic student record systems will require the insertion of a similar statement.

How do we provide the data?

First, we ask that you upload students' transcripts to the secure study website. If you are not able to upload transcripts, we provide several other options:

- Uploading data to a secure website;
- Sending electronic transcripts by secure File Transfer Protocol;
- Sending data via email with encrypted attachments;
- Faxing hard-copy transcripts to a secure eFax (electronic) account;
- Sending redacted hard-copy transcripts by overnight express delivery service;
- Sending electronic transcripts via eSCRIP-SAFE; and

- Obtaining transcripts directly through the dedicated SPEEDE server at NSC.

We anticipate that much of the requested data elements will be available on students' transcripts. For any requested data that are not on transcripts, we ask that you provide the data in a spreadsheet template. Click [here] to get started.

What about confidentiality of the data collected?

NCEE is required to follow strict procedures to protect the confidentiality of persons in the collection, reporting, and publication of data. All information that could be used to identify individuals may be used only for statistical purposes and may not be disclosed or used in a way that identifies individual participants, except as required by law (ESRA 2002, 20 U.S.C. § 9573). When reporting the results, data will be presented so that individuals cannot be identified. When reporting the results, data will be presented only in aggregate form so that individuals and institutions (e.g., schools, school districts, colleges, workplaces) cannot be identified.

Secure Sockets Layer (SSL) protocol will be used to encrypt the data uploaded to the study website. Computer accounts used to access data will be password protected with multilevel access controls to ensure that only authorized individuals are allowed access to confidential data. All members of the study team having access to confidential data have been trained on the importance of confidentiality and data security and have signed affidavits of nondisclosure.

Who is collecting these data?

The National Center for Education Evaluation and Regional Assistance (NCEE), in the United States Department of Education's Institute of Education Sciences, has contracted with RTI International to collect data for this study. RTI International is an independent, nonprofit research organization located in Research Triangle Park, NC that was established as a joint action of the three major universities in North Carolina: University of North Carolina at Chapel Hill, North Carolina State University, and Duke University. RTI International began operations in 1958 and has provided contract support to the Department of Education on education research since 1971.

What assistance is available from RTI staff?

The Help Desk at RTI International is available to answer your questions about NLTS 2012. Please call [number] or e-mail [address] with your concerns. Help Desk staff are available from [hours].

Family Educational Rights and Privacy Act Fact Sheet

34 CFR PART 99

Subpart A—GENERAL

- §99.1 To which educational agencies or institutions do these regulations apply?
- §99.2 What is the purpose of these regulations?
- §99.3 What definitions apply to these regulations?
- §99.4 What are the rights of parents?
- §99.5 What are the rights of students?
- §99.7 What must an educational agency or institution include in its annual notification?
- §99.8 What provisions apply to records of a law enforcement unit?

Subpart B—WHAT ARE THE RIGHTS OF INSPECTION AND REVIEW OF EDUCATION RECORDS?

- §99.10 What rights exist for a parent or eligible student to inspect and review education records?
- §99.11 May an educational agency or institution charge a fee for copies of education records?
- §99.12 What limitations exist on the right to inspect and review records?

Subpart C—WHAT ARE THE PROCEDURES FOR AMENDING EDUCATION RECORDS?

- §99.20 How can a parent or eligible student request amendment of the student's education records?
- §99.21 Under what conditions does a parent or eligible student have the right to a hearing?
- §99.22 What minimum requirements exist for the conduct of a hearing?

Subpart D—MAY AN EDUCATIONAL AGENCY OR INSTITUTION DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS?

- §99.30 Under what conditions is prior consent required to disclose information?
- §99.31 Under what conditions is prior consent not required to disclose information?
- §99.32 What recordkeeping requirements exist concerning requests and disclosures?
- §99.33 What limitations apply to the redisclosure of information?
- §99.34 What conditions apply to disclosure of information to other educational agencies or institutions?
- §99.35 What conditions apply to disclosure of information for Federal or State program purposes?
- §99.36 What conditions apply to disclosure of information in health and safety emergencies?
- §99.37 What conditions apply to disclosing directory information?
- §99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974, concerning the juvenile justice system?
- §99.39 What definitions apply to the nonconsensual disclosure of records by postsecondary educational institutions in connection with disciplinary proceedings concerning crimes of violence or non-forcible sex offenses?

Subpart E—WHAT ARE THE ENFORCEMENT PROCEDURES?

- §99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

- §99.61 What responsibility does an educational agency or institution, a recipient of Department funds, or a third party outside of an educational agency or institution have concerning conflict with State or local laws?
- §99.62 What information must an educational agency or institution or other recipient of Department funds submit to the Office?
- §99.63 Where are complaints filed?
- §99.64 What is the investigation procedure?
- §99.65 What is the content of the notice of investigation issued by the Office?
- §99.66 What are the responsibilities of the Office in the enforcement process?
- §99.67 How does the Secretary enforce decisions?

Subpart A—GENERAL

§99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in §99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if—

- (1) The educational institution provides educational services or instruction, or both, to students; or
- (2) The educational agency is authorized to direct and control public elementary or secondary, or postsecondary educational institutions.

(b) This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non-monetary benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c) The Secretary considers funds to be made available to an educational agency or institution of funds under one or more of the programs referenced in paragraph (a) of this section—

- (1) Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or subcontract; or
- (2) Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).

(Authority: 20 U.S.C. 1232g)

Subpart D—MAY AN EDUCATIONAL AGENCY OR INSTITUTION DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS?

§99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in §99.31.

(b) The written consent must:

- (1) Specify the records that may be disclosed;
- (2) State the purpose of the disclosure; and
- (3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

- (1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and
- (2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

(d) “Signed and dated written consent” under this part may include a record and signature in electronic form that—

- (1) Identifies and authenticates a particular person as the source of the electronic consent; and
- (2) Indicates such person's approval of the information contained in the electronic consent.

(Authority: 20 U.S.C. 1232g (b)(1) and (b)(2)(A))

§99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:

(1)(i)(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

(B) A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party—

(1) Performs an institutional service or function for which the agency or institution would otherwise use employees;

(2) Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and

(3) Is subject to the requirements of §99.33(a) governing the use and redisclosure of personally identifiable information from education records.

(ii) An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement in paragraph (a)(1)(i)(A) of this section.

(2) The disclosure is, subject to the requirements of §99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

NOTE: Section 4155(b) of the No Child Left Behind Act of 2001, 20 U.S.C. 7165(b), requires each State to assure the Secretary of Education that it has a procedure in place to facilitate the transfer of disciplinary records with respect to a suspension or expulsion of a student by a local educational agency to any private or public elementary or secondary school in which the student is subsequently enrolled or seeks, intends, or is instructed to enroll.

(3) The disclosure is, subject to the requirements of §99.35, to authorized representatives of—

(i) The Comptroller General of the United States;

(ii) The Attorney General of the United States;

(iii) The Secretary; or

(iv) State and local educational authorities.

(4)(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(A) Determine eligibility for the aid;

(B) Determine the amount of the aid;

(C) Determine the conditions for the aid; or

(D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, *financial aid* means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically—

(A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

(B) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of §99.38.

(ii) Paragraph (a)(5)(i) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6)(i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(ii) Nothing in the Act or this part prevents a State or local educational authority or agency headed by an official listed in paragraph (a)(3) of this section from entering into agreements with organizations conducting studies under paragraph (a)(6)(i) of this section and redisclosing personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the State or local educational authority or agency headed by an official listed in paragraph (a)(3) of this section in accordance with the requirements of §99.33(b).

(iii) An educational agency or institution may disclose personally identifiable information under paragraph (a)(6)(i) of this section, and a State or local educational authority or agency headed by an official listed in paragraph (a)(3) of this section may redisclose personally identifiable information under paragraph (a)(6)(i) and (a)(6)(ii) of this section, only if—

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted; and

(C) The educational agency or institution or the State or local educational authority or agency headed by an official listed in paragraph (a)(3) of this section enters into a written agreement with the organization that—

(1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

(2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;

(3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

(4) Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

(iv) An educational agency or institution or State or local educational authority or Federal agency headed by an official listed in paragraph (a)(3) of this section is not required to initiate a study or agree with or endorse the conclusions or results of the study.

(v) For the purposes of paragraph (a)(6) of this section, the term *organization* includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents, as defined in §99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(C) An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

(iii)(A) If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.

(B) If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in §99.36.

(11) The disclosure is information the educational agency or institution has designated as “directory information”, under the conditions described in §99.37.

(12) The disclosure is to the parent of a student who is not an eligible student or to the student.

(13) The disclosure, subject to the requirements in §99.39, is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.

(14)(i) The disclosure, subject to the requirements in §99.39, is in connection with a disciplinary proceeding at an institution of postsecondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that—

(A) The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and

(B) With respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies.

(ii) The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

(iii) This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(15)(i) The disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if—

(A) The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and

(B) The student is under the age of 21 at the time of the disclosure to the parent.

(ii) Paragraph (a)(15) of this section does not supersede any provision of State law that prohibits an institution of postsecondary education from disclosing information.

(16) The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable Federal guidelines.

(b)(1) *De-identified records and information.* An educational agency or institution, or a party that has received education records or information from education records under this part, may release the records or information without the consent required by §99.30 after the removal of all personally identifiable information provided that the educational agency or institution or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

(2) An educational agency or institution, or a party that has received education records or information from education records under this part, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that—

(i) An educational agency or institution or other party that releases de-identified data under paragraph (b) (2) of this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;

(ii) The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and

(iii) The record code is not based on a student's social security number or other personal information.

(c) An educational agency or institution must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the agency or institution discloses personally identifiable information from education records.

(d) Paragraphs (a) and (b) of this section do not require an educational agency or institution or any other party to disclose education records or information from education records to any party except for parties under paragraph (a)(12) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A), (b), (h), (i), and (j)).

§99.32 What recordkeeping requirements exist concerning requests and disclosures?

(a)(1) An educational agency or institution must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, as well as the names of State and local educational authorities and Federal officials and agencies listed in §99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent under §99.33(b).

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(i) The parties who have requested or received personally identifiable information from the education records; and

(ii) The legitimate interests the parties had in requesting or obtaining the information.

(4) An educational agency or institution must obtain a copy of the record of further disclosures maintained under paragraph (b)(2) of this section and make it available in response to a parent's or eligible student's request to review the record required under paragraph (a)(1) of this section.

(5) An educational agency or institution must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in §99.31(a)(10) and §99.36:

(i) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

(ii) The parties to whom the agency or institution disclosed the information.

(b)(1) Except as provided in paragraph (b)(2) of this section, if an educational agency or institution discloses personally identifiable information from education records with the understanding authorized under §99.33(b), the record of the disclosure required under this section must include:

(i) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(ii) The legitimate interests under §99.31 which each of the additional parties has in requesting or obtaining the information.

(2)(i) A State or local educational authority or Federal official or agency listed in §99.31(a)(3) that makes further disclosures of information from education records under §99.33(b) must record the names of the additional parties to which it discloses information on behalf of an educational agency or institution and their legitimate interests in the information under §99.31 if the information was received from:

(A) An educational agency or institution that has not recorded the further disclosures under paragraph (b)(1) of this section; or

(B) Another State or local educational authority or Federal official or agency listed in §99.31(a)(3).

(ii) A State or local educational authority or Federal official or agency that records further disclosures of information under paragraph (b)(2)(i) of this section may maintain the record by the student's class, school, district, or other appropriate grouping rather than by the name of the student.

(iii) Upon request of an educational agency or institution, a State or local educational authority or Federal official or agency listed in §99.31(a)(3) that maintains a record of further disclosures under paragraph (b)(2)(i) of this section must provide a copy of the record of further disclosures to the educational agency or institution within a reasonable period of time not to exceed 30 days.

(c) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in §99.31(a)(1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(d) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under §99.31(a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving records in accordance with §99.31(a)(9)(ii)(A) through (C).

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

§99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a)(1) Authorized representatives of the officials or agencies headed by officials listed in §99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs.

(2) The State or local educational authority or agency headed by an official listed in §99.31(a)(3) is responsible for using reasonable methods to ensure to the greatest extent practicable that any entity or individual designated as its authorized representative—

(i) Uses personally identifiable information only to carry out an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements related to these programs;

(ii) Protects the personally identifiable information from further disclosures or other uses, except as authorized in paragraph (b)(1) of this section; and

(iii) Destroys the personally identifiable information in accordance with the requirements of paragraphs (b) and (c) of this section.

(3) The State or local educational authority or agency headed by an official listed in §99.31(a)(3) must use a written agreement to designate any authorized representative, other than an employee. The written agreement must—

(i) Designate the individual or entity as an authorized representative;

(ii) Specify—

(A) The personally identifiable information from education records to be disclosed;

(B) That the purpose for which the personally identifiable information from education records is disclosed to the authorized representative is to carry out an audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs; and

(C) A description of the activity with sufficient specificity to make clear that the work falls within the exception of §99.31(a)(3), including a description of how the personally identifiable information from education records will be used;

(iii) Require the authorized representative to destroy personally identifiable information from education records when the information is no longer needed for the purpose specified;

(iv) Specify the time period in which the information must be destroyed; and

(v) Establish policies and procedures, consistent with the Act and other Federal and State confidentiality and privacy provisions, to protect personally identifiable information from education records from further disclosure (except back to the disclosing entity) and unauthorized use, including limiting use of personally identifiable information from education records to only authorized representatives with legitimate interests in the audit or evaluation of a Federal- or State-supported education program or for compliance or enforcement of Federal legal requirements related to these programs.

(b) Information that is collected under paragraph (a) of this section must—

(1) Be protected in a manner that does not permit personal identification of individuals by anyone other than the State or local educational authority or agency headed by an official listed in §99.31(a)(3) and their authorized representatives, except that the State or local educational authority or agency headed by an official listed in §99.31(a)(3) may make further disclosures of personally identifiable information from education records on behalf of the educational agency or institution in accordance with the requirements of §99.33(b); and

(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.

(c) Paragraph (b) of this section does not apply if:

(1) The parent or eligible student has given written consent for the disclosure under §99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(1)(C), (b)(3), and (b)(5))

District Instructions Flyer

NLTS 2012: Quick Guide to Providing Student Data

For assistance, contact the NLTS Help Desk at
[phone] or [email].

NOTE: To ensure the security of your student data, you must log off when you are going to be away from your computer and when you are finished with a data entry session.

To provide data for NLTS 2012, please complete the following steps:

1. Review the List of Data Elements

Before you begin, review the list of requested data elements printed on the enclosed flyer. You may also view the list at [website].

2. View Your List of Sampled Students

Log on to the NLTS website to view the list of sampled students.

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.
- 3) Click *View List of Sampled Students*

You can view the list on screen or download the list as a spreadsheet.

3. Provide Student Transcripts

Provide transcripts for each student on your district's student list.

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.
- 3) Click *Provide Transcripts*
- 4) Click *Upload Transcripts*
- 5) Click "Choose File" and select the file you want to upload.
- 6) Indicate which students' transcripts are included in the file.
- 7) Click *Submit*
- 8) Repeat steps 5-7 for each sampled student

If you are not able to upload transcript files, you can choose an alternate mode:

- Send electronic transcripts by secure File Transfer Protocol (contact the Help Desk for instructions)
- Send data via email with encrypted attachments
- Fax hard-copy transcripts to a secure eFax (electronic) account
- Send redacted hard-copy transcripts by overnight express delivery service
- Send electronic transcripts via eSCRIP-SAFE
- Send transcripts directly through the dedicated SPEEDE server at NSC (contact the Help Desk

for instructions)

To use an alternate mode,

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.
- 3) Click *Provide Transcripts*
- 4) Click *Alternate Mode*
- 5) Click on your preferred mode.
- 6) Follow the on-screen instructions to provide transcripts.

4. Provide Additional Student Data

We anticipate that much of the requested data elements will be available on students' transcripts. For any requested data that are not on transcripts, we ask that you provide the data in a spreadsheet template.

Step 1: Download your template

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.
- 3) Click *Provide Student Data*
- 4) Click *Download Template*
- 5) Save the spreadsheet file in a secure location

Step 2: Enter the requested student into the worksheets and save the completed file. For data fields that were already provided on transcripts, please leave those fields blank.

Step 3: Upload the completed file

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.
- 3) Click *Provide Student Data*
- 4) Click "Choose File" and select the file you want to upload.
- 5) Indicate which students' transcripts are included in the file.
- 6) Click *Submit*

5. Provide Course Catalogs

Catalogs will help us to code the courses listed on students' transcripts. We have already collected catalogs for many districts. If catalogs are needed from your institution, you will see a "Provide Catalogs" link on the website.

- 1) Go to [website]
- 2) Log in using the user ID and password printed on your letter.

- 3) Click *Provide Catalogs*
- 4) Click "Choose File" and select the file you want to upload.
- 5) Indicate which academic years are included in the file.
- 6) Click *Submit*

District Data Elements List

Student-level information

Enrollment history (days enrolled in NLTS2012 school) by school year
Number of days present/absent by school year
Number of days tardy by school year
Number of times grade level was repeated
Number of suspensions by school year
Number of expulsions by school year
State test scores for 8th - 12th grades
State test format (regular, modified, advanced)
Standardized test scores (PSAT, SAT, ACT, AP/IB exams)
Type of diploma awarded
Date diploma awarded
Date student left school (for students who did not graduate)
Reason student left school (graduated, transferred, etc.)
Transfer school information (any additional schools the student was known to have attended)
Cumulative GPA
Dual (concurrent) enrollment

Transcript information

Course title and number
Year, grade level, and term course taken
Number of credits earned
Grade assigned
Flag indicating if course was self-contained special education course
Flag indicating if course was AP

District/school-level information (ask schools to complete the School Information Page and update missing data using the catalogs)

Grade scale
Course grade weighting system used, if any
GPA formula
Carnegie unit conversion information
Term system used
Types of diplomas granted
Credits required for different types of diplomas
Special education services offered

Note: some of the student-level info may appear on transcripts; schools will have the option of providing this data separately or indicating it is provided on transcripts

District Disclosure Notice

National Longitudinal Transition Study of 2012 (NLTS 2012) Phase II

DISCLOSURE NOTICE

Information from student records for this individual has been provided to RTI International, a data collection agent for the U.S. Department of Education for NLTS 2012. This disclosure statement fulfills the requirement of 34 CFR 99.32(a) pursuant to the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

This individual is included in the sample for the National Longitudinal Transition Study 2012 (NLTS 2012) Phase II. Strict protection of all information obtained from individuals selected for participation in NLTS 2012 is assured by current federal laws and regulations. All responses that relate to or describe identifiable characteristics of individuals may be used only for statistical purposes and may not be disclosed or used in identifiable form for any other purpose, except as required by law (20 U.S.C. § 9573).

July 2016

OMB # 1850-0882

Expiration Date: (insert date)