



Privacy Impact Assessment

For

The Special Education—Individual Reporting on regulatory Compliance Related to the Personnel Development Program’s Service Obligation and the Government Performance and Results Act of 1993 (GPRA)

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**1. System Information. Describe the system.** Include system name, system acronym, and a description of the system, to include scope, purpose and major functions.

The Special Education—Individual Reporting on Regulatory Compliance Related to the Personnel Development Program’s Service Obligation and the Government Performance and Results Act of 1993 (GPRA) contains records on individuals who are recipients of scholarships (scholars) from grants awarded to institutions of higher education (IHEs) and other eligible entities by the Office of Special Education Programs’ (OSEP) Personnel Development Program to Improve Services and Results for Children with Disabilities Program (Personnel Development Program).

**2. Legal Authority. Cite the legal authority to collect and use this data.** What specific legal authorities, arrangements, and/or agreements regulate the collection of information?

The system is authorized by section 4 of the Government Performance and Results Act of 1993 (GPRA), Pub. L. 103-62, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 *et seq.*, and specifically—

- For grants awarded in FY 2006 and any year thereafter, the regulations published on June 5, 2006 implementing section 662(h) of IDEA (see 34 CFR part 304) apply, including the requirement that the Secretary track the service obligations of scholarship recipients.
- For grants awarded in FY 2005, the "Additional Requirements" section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined Priority for Personnel Preparation and Preparation of Leadership Personnel notice (the “notice”), published in the Federal Register on March 25, 2005 apply, including the requirement that the Secretary track the service obligations of scholarship recipients;
- For grants awarded in fiscal year (FY) 2004, or earlier, the version of the regulations published on December 9, 1999 implementing section 673(h) of the Individuals with Disabilities Education Act (IDEA), (see 34 CFR part 304) that was in effect at that time apply, including the requirement that grantees track the service obligations of scholarship recipients;

**3. Characterization of the Information. What elements of PII are collected and maintained by the system (e.g., name, social security number, date of birth, address, phone number)?** What are the sources of information (e.g., student, teacher, employee, university)? How is the information collected (Web site, paper form, on-line form)? Is the information used to link or cross-reference multiple databases?

The system consists of records about scholars who receive scholarships under the Personnel Development Program. Information in this system will include contact information for the grantee; the grant identification number; each scholar’s name, social security number, address, telephone number, e-mail address, and alternate contact information; name and contact

information of a person through whom the scholar can be contacted; the number of years the scholar needs to work to satisfy the service obligation; the total amount of scholarship assistance received; the time period during which the scholar must satisfy the service obligation; eligible employment to fulfill the service obligation; contact information for employers; and, as applicable, all other obligations of the scholar under the regulations. Employers will be asked to verify the employment information provided by the scholar. In addition, scholars will be asked questions about topics related to the Personnel Development Program performance measures, e.g., specific areas of training, highly qualified teacher status, reasons for leaving the program before completion, gender, ethnic origin, and education history.

For scholars receiving funds from grants awarded in FY 2004 or earlier, OSEP receives information about scholars from IHEs and other eligible entities when scholars have exited a training program supported with funds through the Personnel Development Program, or, in tracking the scholars' employment, the grantees determine that scholars are not fulfilling their service obligations. OSEP reports these scholars/obligees, who are required to repay part or all of the funding received to the Accounts Receivable Group in the Office of the Chief Financial Officer.

**4. Why is the information collected? How is this information necessary to the mission of the program, or contributes to a necessary agency activity.** Given the amount and any type of data collected, discuss the privacy risks (internally and/or externally) identified and how they were mitigated.

Information is collected to ensure that scholars who receive scholarships from the Personnel Development Program fulfill a service obligation of two years for every year of funding received or repay part or all of the funding received from the grantee. Data that provides information for evaluation of the Personnel Development Program as required by the Government Performance and Results Act of 1993 (GPRA), Pub. L. 103-62 is also collected.

**5. Social Security Numbers. If an SSN is collected and used, describe the purpose of the collection, the type of use, and any disclosures.** Also specify any alternatives that you considered, and why the alternative was not selected. **If system collects SSN, the PIA will require a signature by the Assistant Secretary or designee. If no SSN is collected, no signature is required.**

No alternatives were considered, because social security numbers and birth dates would be required if scholars or obligees were reported for repayment to the Department's Accounts Receivable Group.

**6. Uses of the Information. What is the intended use of the information?** How will the information be used? Describe all internal and/or external uses of the information. What types of methods are used to analyze the data? If the system uses commercial information, publicly available information, or information from other Federal agency databases, explain how it is used.

Descriptive statistical methods are used to compile data for the evaluation of the Personnel Development Program performance measures.

Information from the Office of Special Education's discretionary grant database is used to pre-populate fields of the Web-based data collection system to decrease the burden for grantees, scholars and employers.

No commercial information, publicly available information, or information from other Federal agency databases is used.

**7. Internal Sharing and Disclosure. With which internal ED organizations will the information be shared? What information is shared? For what purpose is the information shared?**

For grants awarded prior to FY 2005, collection of information from grantees is limited to identifying information about scholars, their service obligation, and the amount of their scholarship. When grantees have determined that scholars will not fulfill their obligation through service and must instead repay some or all of the scholarship they received, the grantees are required to forward this information to OSEP, and OSEP forwards it to the Department's Accounts Receivable Group in the Office of the Chief Financial Officer (OCFO).

The information for grants awarded after FY 2004 will be collected from grantees, scholars, and scholars' employers through the SOTS, a Web-based data collection system implemented by Optimal, a contractor of the Department. Through this system, information related to tracking scholars' enrollment, employment, and fulfillment of the terms of the service obligation, and to evaluating progress on the performance measures for the Personnel Development Program will be collected from grantees, scholars, and the scholars' employers. When the Department determines scholars will not fulfill their service obligation and must instead repay some or all of the scholarship they received, the Department will forward applicable information to the Department's Accounts Receivable Group in OCFO. Aggregate information is also used for performance measurement reporting.

**8. External Sharing and Disclosure. With what external entity will the information be shared (e.g., another agency for a specified programmatic purpose)? What information is shared? For what purpose is the information shared? How is the information shared outside of the Department? Is the sharing pursuant to a Computer Matching Agreement (CMA), Memorandum of Understanding or other type of approved sharing agreement with another agency?**

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records notice without the consent of the individual if disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act, under a computer matching agreement.

- Program Purposes

- Disclosure in the Course of Responding to Breach of data
- Contract Disclosure
- Disclosure for Use by Other Law Enforcement agencies
- Enforcement Disclosure
- Litigation and Alternative Dispute Resolution (ADR) Disclosure
- Disclosure to DOJ
- Adjudicative disclosure
- Disclosure to Parties, Counsel, Representatives, or Witnesses
- Freedom of Information Act (FOIA) and Privacy Act Advice Disclosure
- Disclosure to DOJ
- Congressional member Disclosure
- Research Disclosure
- Consumer reporting Agencies

**9. Notice. Is notice provided to the individual prior to collection of their information (e.g., a posted Privacy Notice)?** What opportunities do individuals have to decline to provide information (where providing the information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent?

As authorized by IDEA and subsequent requirements and regulations, scholars must sign a Service Obligation Agreement, which includes information and resources to ensure that they understand their responsibility for completing a two-year service obligation for every year they receive a scholarship. In addition, they must provide their contact information, date of birth and social security number prior to receiving a scholarship from a Personnel Development Program grant.

**10. Security. What administrative, technical, and physical security safeguards are in place to protect the PII? Examples include: monitoring, auditing, authentication, firewalls, etc. Has a C&A been completed? Is the system compliant with any federal security requirements?**

A C&A has been completed, and the system is compliant with Federal security requirements. The system received approval to operate on June 24, 2009. The system employs FISMA and NIST best practices to protect electronic PII including defined user groups with unique user names and passwords with access to only the information necessary to that group/individual, regular required changing of passwords, bi-directional 128-bit encryption, and automated audit logs. The National Center on Service Obligations also does not accept PII via e-mail.

The privacy risks are ameliorated by careful control of the data. The Department maintains hard copy records of information about scholars who received funds from grants awarded before FY 2005 in locked file cabinets that are located within locked offices protected by a security system. The Department maintains electronic records with information about scholars who received funds from grants awarded before FY 2005 on its secure server. Optimal maintains any hard copy records of information about scholars who received scholarships from grants awarded in FY 2005 and thereafter in locked file cabinets that are located within locked offices protected by a biometric security system. Optimal also maintains electronic records of information about

scholars who received scholarships from grants awarded in FY 2005 and any year thereafter in the SOTS. The SOTS resides on secure, accredited servers with an automated backup hard drive that will support the system in the event of a crash. Optimal subcontracts the hosting and basic maintenance of the servers to Softlayer Technologies, Inc. Additionally, the system is backed up “off-site” on servers at a separate Softlayer Technologies, Inc. facility using a system called eVault.

**11. Privacy Act System of Records. Is a system of records being created or altered under the Privacy Act, 5 U.S.C. 552a? Is this a Department-wide or Federal Government-wide SORN? If a SORN already exists, what is the SORN Number?**

The system is covered under The Special Education—Individual Reporting on regulatory Compliance Related to the Personnel Development Program’s Service Obligation and the Government Performance and Results Act of 1993 (GPRA), SORN 18-16-04, 73 FR 63453-63457, dated October 24, 2008.

**12. Records Retention and Disposition. Is there a records retention and disposition schedule approved by the National Archives and Records Administration (NARA) for the records created by the system development lifecycle AND for the data collected? If yes – provide records schedule number:**

These records will be maintained and disposed of in accordance with the records retention and disposition authority approved by the National Archives and Records Administration (NARA). Until NARA approves a retention and disposition schedule for these records, the Department will not destroy or delete any records.