

**REN-19-022: Supporting FAFSA Data Sharing with Tribal Organizations and Education
Departments for Scholarship Purposes**

Sponsor: White Mountain Apache Tribe Office of Higher Education

Summary:

- Tribal nations and organizations are currently not recognized in the Higher Education Act (HEA) as possible recipients of financial aid data from the Free Application for Federal Financial Aid (FAFSA).
- Section 312 of the 2019 Minibus Bill (H.R. 6157) provided tribal nations and organizations temporary relief from this practice until the HEA is reauthorized.
- Resolution REN-19-022 supports the inclusion of language allowing tribal nations and organizations to be recipients of FAFSA data in any HEA reauthorization.

Issue:

In 2017, the U.S. Department of Education released guidance on the HEA relating to student financial aid data sharing that asserted that FAFSA data cannot be released by higher education institutions unless the release satisfies a specific purpose permitted by law, even with a student's written consent. Currently, tribal nations and organizations are not recognized in HEA as possible recipients of FAFSA data, which is inconsistent with tribal sovereignty.

A lack of access to student data limits tribal nations' ability to exercise sovereignty and provide opportunities in higher education to tribal students.

Section 312 of the 2019 Minibus Bill (H.R. 6157) provides tribal nations and organizations temporary relief from this practice until the HEA is reauthorized. The HEA, first signed into law in 1965, is supposed to be renewed every five years. However, the last reauthorization was in 2008, enacted through the Higher Education Opportunity Act. There have been several hearings on HEA reauthorization priorities in both the House and Senate during the 116th Congress, creating speculation that Congress will try to pass a reauthorization soon.

Action:

Resolution REN-19-022 urges Congress to include language that would allow tribal nations and tribal organizations to be recipients of FAFSA data in any HEA reauthorization.

For additional information, please contact Jacob Schellinger at jschellinger@ncai.org or Nicholas Courtney at ncourtney@ncai.org.

Resolution Action Plan: REN-19-022

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Action Plan:

- 30 Days:
 - Staff will review pertinent legislation related to resolution subject area.
 - Evaluate legislative and executive branch advocacy opportunities.
 - Assess opportunities for cross-coordination with other tribal nations, organizations, and representatives to work on HEA priorities.
- 60 Days:
 - Conduct Hill visits.
- 90 Days:
 - Work with NIEA on HEA priorities that come out of their Annual Convention.
- 120 Days:
 - Continue Hill visits and track discussions, hearings, and Hill activity on HEA reauthorization.
 - Prepare update on NCAI advocacy for Mid Year Conference.