



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INNOVATION AND IMPROVEMENT

OCT 11 2005

Mr. Jerome H. Sullivan  
Executive Director  
American Association of Collegiate Registrars and Admissions Officers  
One Dupont Circle, Suite 520  
Washington, D.C. 20036

Dear Mr. Sullivan:

This responds to your September 26, 2005, request for guidance in connection with AACRAO's efforts to assist educational institutions in the Gulf Coast that have been adversely affected by hurricane Katrina. You indicated that colleges and universities from across the nation have allowed students from affected institutions to register for courses without going through the regular admissions process, often with little documentation of previous course work and without payment of tuition. You noted, however, that one of the most critical challenges faced by the affected schools is to track their students to apprise them of much-needed information about financial aid, academic advising, transfer of credit, and graduation issues.

According to your letter, AACRAO and the National Student Clearinghouse (NSC) have agreed to collaborate on ways to assist AACRAO member institutions in locating their students who are currently enrolled at other institutions. While you did not describe NSC's actual role in this process, you stated that in order to communicate with evacuated students, "we would like to be able to supply their names, current addresses, and telephone numbers to their home institutions in the Gulf Coast." You expressed concern that at a significant number of receiving institutions where students are enrolled, some of these data elements may not be defined as directory information and asked whether the provision of such basic contact information to institutions that the affected students would have attended, were it not for the effects of the hurricane, is allowable under FERPA without a signed written consent.

This Office administers the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and provides technical assistance to educational agencies and institutions to ensure compliance with the statute and regulations, which are codified at 34 CFR Part 99. Under FERPA a parent or eligible student must provide a signed and dated written consent in accordance with § 99.30 of the regulations before an educational agency or institutions discloses education records or personally identifiable information from education records. Exceptions to this requirement are set forth in 34 CFR § 99.31.

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Section 99.31(a)(11) permits an educational agency or institution to disclose, without prior written consent, information that the agency or institution has designated as “directory information” in accordance with the procedural requirements in § 99.37. “Directory information” includes a student’s name, address, telephone number, and other information that would not generally be considered harmful or an invasion of privacy if disclosed. A student’s Social Security Number (SSN) is the type of information that may not be designated and disclosed as directory information because disclosure would be harmful or an invasion of privacy.

We understand and applaud the efforts of AACRAO and its member institutions to help Gulf Coast students and institutions affected by hurricane Katrina by providing temporary enrollment for these students. As you indicated, FERPA does allow host institutions, either directly or through their agent, such as NSC, to disclose a student’s name, address, and telephone number as “directory information,” without prior written consent, provided that the institution has complied with the designation and opt-out requirements set forth in § 99.37 of the regulations. Please note that host institutions (or their agent) could not use student’s SSNs for this purpose. Host institutions could also disclose directory or non-directory information from a student’s education records, without prior written consent, to a Gulf Coast institution where the student is considered enrolled under the “dual enrollment” provisions in § 99.34(b). Alternatively, host institutions could be encouraged to obtain student’s written consent for these disclosures to their home institution.

I trust that the above information is responsive to your request.

Sincerely,



LeRoy S. Rooker  
Director  
Family Policy Compliance Office