



May 6, 2008

Mr. LeRoy S. Rooker

U.S. Department of Education

400 Maryland Avenue, SW

Room 6W243

Washington, DC 20202-5920

*Via Federal eRulemaking Portal*

RE: Docket ID ED-2008-OPED-0002

Dear Mr. Rooker:

The Career College Association (CCA), on behalf of its 1,400 members, would like to thank the Department of Education for this opportunity to comment on the proposed regulations implementing changes in the Family Educational Rights and Privacy Act (FERPA) published in the Notice of Proposed Rulemaking in the March 24, 2008 *Federal Register*.

CCA is generally supportive of the proposed changes; however we would like to offer specific recommendations to improve the following sections:

**§99.5, 99.36 – Disclosures to Parents of Eligible Students**

The proposed regulatory changes would clarify that colleges and other institutions may, without consent, contact a student's parents in connection with a health or safety emergency and if the information is needed to protect the health or safety of the student or other individuals. We urge the Department to expand this regulation to permit contacting whomever the student has listed as his or her "emergency contact" with the college or institution. Many students on college campuses are nontraditional due to age, marriage, or other circumstance. In these cases, the most appropriate contact person may be a spouse or partner rather than a parent. Almost all institutions collect information from students on whom to contact in the event of an emergency; this information could be used as the contact person for this purpose as well.

**§99.31(a)(1) – Authorized Disclosure of Education Records without Prior Written Consent; (School Officials) Outsourcing**

The proposed regulations would require that any party contracted by an institution to perform institutional services or functions (“outsourced” functions) be under the “direct control” of the agency or institution and subject to the same requirements under FERPA. We believe this would cause undue hardship on institutions. Some parties contracted by institutions, such as Certified Public Accountants, under other statutes and regulation, must maintain independence from the institution. Yet these parties carry out functions necessitating access to student records that are covered under FERPA. Additionally, many vendors providing outsourced functions are geographically distant from the institution and it would be virtually impossible for an institution to verify physical safeguards.

We suggest the Department should instead require institutions to require third-party contractors to apply appropriate safeguards and accept on good faith that they will, in the normal course of good business practices, comply with the regulations.

Thank you again for this opportunity to comment on the proposed changes to the FERPA regulations. Please feel free to contact me if you have any questions.

Sincerely,

Reba Raffaelli

Senior Vice President for Advocacy and General Counsel

Career College Association