

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to FERPA@ed.gov.

July 13, 2006

Mr. Evan S. Rosenthal
Admissions Coordinator
School of Health Related Professions
University of Medicine & Dentistry of New Jersey
65 Bergen Street, Room 149
PO Box 1709
Newark, New Jersey 07101-1709

Dear Mr. Rosenthal:

This responds to your May 5, 2006, letter, in which you asked for guidance about the disclosure of information from education records under the Family Educational Rights and Privacy Act (FERPA). This Office investigates FERPA complaints and violations and provides technical assistance to educational agencies and institutions to ensure compliance with the statute and regulations, which are codified at 20 U.S.C. § 1232g and 34 CFR Part 99 respectively.

Your letter states that the University of Medicine & Dentistry of New Jersey's School of Health Related Professions (University) has a recognized joint degree program with Thomas Edison State College's School of Applied Science and Technology (College). According to your letter, a school official has proposed that the University ask all incoming students to provide the University registrar with the username and password they use to access their student information system account at the College. You explained that this process would streamline and expedite the clearance of degree candidates between the two institutions and asked whether it complies with FERPA requirements. We understand your question to be whether the University may require students to provide their username and password at the College so that the University may quickly determine whether a student has met joint degree requirements.

A parent or eligible student (as defined in § 99.3 of the FERPA regulations) must provide a signed and dated written consent in accordance with the requirements of § 99.30 before an educational agency or institution discloses personally identifiable information from education records, except under the conditions set forth in § 99.31. The College may disclose to the University information from the education records of joint degree program students without their consent under § 99.34(b), which provides:

An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

- (1) The student is enrolled in or receives services from the other agency or institution; and
- (2) The disclosure meets the requirements of paragraph (a) of this section.

Paragraph (a) of § 99.34 contains notice and copy requirements that apply to these disclosures. Under this exception to the written consent requirement, College officials may disclose to the University (and vice versa) any information that could be disclosed without consent under § 99.31(a), including disclosures to school officials with a legitimate educational interest. This exception would permit school officials in both institutions to share information pertaining to a student's completion of joint degree requirements without meeting the consent requirements in § 99.30.

Requiring students to disclose their usernames and passwords at the College as a means for the University to obtain this information would not be permitted under FERPA because it would allow University officials to obtain access to any information maintained by the College which a student can access in student information system, including information in which University officials do not have legitimate educational interests or that may not otherwise be discloseable to them under § 99.31(a). We note in this regard that an educational agency or institution may not require parents or eligible students to waive their FERPA rights and protections as a condition for acceptance into an educational institution or receipt of educational services, and this principle applies equally to a forced waiver of FERPA rights and protections at another institution.

Finally, your letter indicates that a student's password at the College is defaulted to the last four numbers of the SSN. As this Office has explained previously, widely available information, such as an SSN or last four-digits of an SSN, should not be used to authenticate a student's identity because it may lead to the disclosure of personally identifiable information from education records to unauthorized parties. See our Nov. 5, 2004, letter to the University of Wisconsin available at <http://www.ed.gov/policy/gen/guid/fpcos/ferpa/library/uwisc.html>.

I trust that this information is helpful in explaining the scope of FERPA as it relates to your concerns.

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office