



NCHEMS

National Center for Higher Education Management Systems

3035 Center Green Drive, Suite 150

Boulder, Colorado 80301-2251

Phone 303-497-0301

Fax 303-497-0338

www.nchems.org

Ms. Regina Miles
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

May 12, 2011

Dear Ms. Miles

The National Center for Higher Education Management Systems (NCHEMS) is pleased to provide comments in response to the Notice of Proposed Rule Making on new regulations governing the Family Educational Rights and Privacy Act (FERPA). FERPA plays a vital role in governing the extent to which information drawn from student records can be used to support research to improve educational policies and practices, even as it provides necessary safeguards on individual privacy.

NCHEMS is a research and development center that focuses on higher education policy—especially at the state level. As such, NCHEMS has been heavily involved in the development and use of state student unit record (SUR) databases, and completed several pioneering inventories of state SUR data resources. We conducted some of the first cross-state data-sharing demonstration projects using these resources and have since been major players in follow-on projects on this topic undertaken by the Western Interstate Commission on Higher Education (WICHE) and the State Higher Education Executive Officers (SHEEO). Through these and other contacts, we have become keenly aware of the decisive role that FERPA regulations (or the *perception* of FERPA regulations) play in whether or not a given research initiative goes forward, regardless of the merits of the initiative itself.

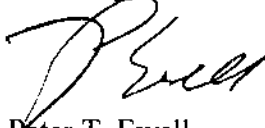
NCHEMS endorses and strongly supports the thoughtful and thorough observations and recommendations offered in the letter by David Longanecker, President of WICHE. In brief, this letter recommended the following:

- Specifically authorize the exchange of data among education agencies and “educational authorities” in different states for the purpose of examining human capital development and its mobility from a regional view.
- Loosen restrictions preventing the exchange of social security numbers as the key linking field for workforce information.

- Clarify the extent to which data can be retained for the purpose of long-term analysis and offer guidance on how personally identifiable information can be safeguarded for research (such as longitudinal studies) that necessitates a lengthy time horizon.

NCHEMS urges the Department to act on these recommendations and looks forward to conducting more and better research benefitting future students that these new regulations will enable.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Ewell", written over a horizontal line.

Peter T. Ewell
Vice-President