



UNITED STATES DEPARTMENT OF EDUCATION

THE DEPUTY SECRETARY

February 22 2002

Mr. Lee Grossman, President
Mr. Rob Beck, Executive Director
Autism Society of America
7910 Woodmont Avenue, Suite 300
Bethesda, Maryland 20814-3015

Dear Mr. Grossman and Mr. Beck:

Thank you for your October 23, 2001, letter concerning the Department's interpretation of the Family Educational Rights and Privacy Act (FERPA) with regard to the autism surveillance program at the Centers for Disease Control and Prevention (CDC). In your letter, you state that this issue is unresolved, and you ask that we identify a workable solution as soon as possible. I apologize for the delay in my response. Our mail service has been significantly delayed due to the anthrax attacks, and your letter was only recently received here at the Department.

The Department has closely reviewed the applicability of FERPA to disclosures of personally identifiable information from student education records to the CDC. Additionally, we have participated in a number of discussions with representatives from CDC and from the Department of Health and Human Services (HHS). We have advised CDC and HHS officials that the Department believes that FERPA, as currently written, does not allow educational agencies and institutions to disclose information from student education records to the CDC without prior written consent of the parent. We have provided CDC and HHS with draft legislative language that would permit such disclosures through the use of a memorandum of agreement to be negotiated by the agencies. We continue to be available to provide CDC and HHS with any further assistance they might need.

Sincerely,

A handwritten signature in black ink that reads "Bill Hansen". The signature is written in a cursive style and is positioned above a horizontal line.

William D. Hansen

cc: Congressman Chris Smith
Claude A. Allen
Deputy Secretary, HHS