



UNITED STATES DEPARTMENT OF EDUCATION

STUDENT PRIVACY POLICY OFFICE

SPPO-23-01

An Eligible Student Guide to the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act or FERPA (20 U.S.C. §1232g; 34 CFR Part 99) provides certain rights for parents regarding their children’s education records. When a student reaches 18 years of age or attends an institution of postsecondary education at any age, the student becomes an “eligible student,” and all rights under FERPA transfer from the parent to the student. This guide discusses an eligible student’s rights under FERPA. A companion document discussing parents’ rights under FERPA is available on our website at <https://studentprivacy.ed.gov/resources/ferpa-general-guidance-parents>.

to the definition of “education records,” such as law enforcement unit records and sole possession records. More information is available at <https://studentprivacy.ed.gov/faq/what-records-are-exempted-ferpa>.

FERPA applies to all schools that receive funding under any program administered by the Department. Private and faith-based schools at the elementary and secondary levels generally do not receive such funding and are, therefore, generally not subject to FERPA. Private institutions of postsecondary education, however, generally do receive such funding (e.g., student aid under title IV of the Higher Education Act of 1965, as amended) and are, therefore, generally subject to FERPA. In addition, the confidentiality of personally identifiable information (PII) in the education records of students with disabilities is further protected by Part B of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1417(c) and 34 CFR §§ 300.610-300.626). The IDEA and its implementing regulations contain confidentiality provisions that are similar to, but broader than, FERPA, and cover students with disabilities who have turned 18 but are still eligible under IDEA. Depending on State law, the rights accorded to parents under IDEA Part B may not automatically transfer to the student when the student with a disability reaches 18 years old or attends an institution of postsecondary education at any age. The IDEA-FERPA crosswalk contains additional information comparing IDEA and FERPA and is available at <https://studentprivacy.ed.gov/resources/ferpaidea-crosswalk>.

The rights provided by FERPA to an eligible student include, but are not limited to:

Access to Education Records

Under FERPA, a school or State educational agency (SEA) must provide an eligible student with an opportunity to inspect and review their education records within a reasonable period of time, but not more than 45 calendar days following the receipt of a request. A school or SEA is generally not required to provide an eligible student with *copies* of education records unless circumstances effectively prevent an eligible student from exercising their right to

