



**Syracuse University
Parent Advocacy Center (SUPAC)**

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ACCESS TO EDUCATIONAL RECORDS The Family Education Rights & Privacy Act (F.E.R.P.A.)



F.E.R.P.A. (also known as The Buckley Amendment) is a federal law that gives the right to parents and students over the age of eighteen, to see, correct, and control access to student records.

What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. ***A parent may sign a release of information form to give permission, for example, to a doctor or therapist to view the file.***

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian (34 C.F.R. § 99.4, 2008).

What are the rights of students?

When a student becomes an eligible student the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

Note: The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education (34 C.F.R. § 99.5, 2008).

What rights exist for a parent or eligible student to inspect and review education records?

A parent or eligible student must be given the opportunity to inspect and review the student's education records.

The educational agency or institution, or State education agency (SEA) or its component, shall comply with a request for access to records ***within a reasonable period of time, but not more than 45 days after it has received the request.***

The educational agency or institution, or SEA or its component shall respond to reasonable requests for ***explanations and interpretations of the records.***

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall—

Provide the parent or eligible student with a copy of the records requested; or

Make other arrangements for the parent or eligible student to inspect and review the requested records (34 C.F.R. § 99.10, 2008).

May an educational agency or institution charge a fee for copies of education records?

Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student ([34 C.F.R. § 99.11, 2008](#)).

Is there anything in the records that they can refuse to show me?

An education agency or institution is not required to give an eligible student access to “treatment” records under paragraph; however, the student/parent may have those records reviewed by a physician or other appropriate professional of the student’s choice (34 C.F.R. § 99.10, 2008).

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student ([34 C.F.R. § 99.12, 2008](#)).

What if I find incorrect or misleading information in the educational records?

If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.

What if my request is refused?

If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under §99.21 (34 C.F.R. § 99.20, 2008).

INFORMATION FROM GPO ACCESS, ELECTRONIC CODE OF FEDERAL REGULATIONS

<http://ecfr.gpoaccess.gov>

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