



# ASK THE **FERPA** PROFESSORS

Expert answers to your **FERPA** questions.

MAY 30, 2023

## DEAR FERPA PROFESSORS,

Does the FERPA 45-day maximum timeline for responding to a student's/former student's request to review educational records also apply to a request from a student/former student to send out a letter of enrollment verification or transcript? I contend that FERPA does not apply to these outgoing requests and frankly think waiting 45 days to send a transcript is extremely poor customer service. However, our general counsel interprets FERPA regulations as governing ANY request for part of an education record or a document reflecting an education record, and therefore we have 45 days to comply with the request.

Thanks in advance for your guidance on this issue!

Thanks,  
Ms. Di

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## DEAR MS. Di,

§ 99.10(a) of the FERPA regulations requires that an institution provide "students" the opportunity to "inspect and review" their education records. § 99.10(b) requires that such access must be provided within 45 days. If the signed consent requirements of § 99.30 or the conditions required in one of the § 99.31 exceptions to signed consent are met, then institutions are permitted, but not required, to provide education records to a 3rd party. However, the institution is not required to honor such a request and FERPA's 45-day requirement would not apply to any records request from the student to provide education records to a 3rd party.

I hope this is helpful in answering your questions. You can find the above-cited regulations on pages 157 and 159 of the 2012 AACRAO FERPA Guide.

## THE FERPA PROFESSORS

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