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

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