



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF MANAGEMENT

August 27, 2018

[Letter to Eligible Student]

Dear [Student]:

This letter is in response to your October 21, 2014, complaint filed with the Family Policy Compliance Office (FPCO or Office) in which you allege that you have been denied copies of your transcripts from your former college or university (Institution), which you do not identify. You appear to allege that the Institution violated your rights under the Family Educational Rights and Privacy Act (FERPA) when you asked this Office to assist you in obtaining your transcripts. Due to the volume of correspondence received by this Office and limited resources, we are currently not able to respond to all complaints in as timely a manner as we would like. You may have spoken to an FPCO staff member about your concerns, but during a recent review of our records, we determined that we had not yet formally contacted you in writing regarding the allegations raised in your inquiry. We apologize for any inconvenience this extended delay in responding to you may have caused you. We hope that you were able to resolve your concerns with the Institution.

FERPA is a federal law that protects the privacy of students' education records. The term "education records" is defined under FERPA, with certain exclusions, as those records that are directly related to a student and which are maintained by an educational agency or institution (e.g., a school or postsecondary institution), or by a party acting for the agency or institution, to which funds have been made available under any program administered by the Secretary of Education. FERPA affords eligible students certain rights with regard to their education records. Under FERPA, an "eligible student" is any student who is 18 years of age or begins attending a postsecondary institution at any age. These rights include your right to inspect and review your education records, the right to seek to have the education records amended, the right to have some control over the disclosure of personally identifiable information from the education records, and the right to file a written complaint with FPCO regarding an alleged violation of FERPA. Under FERPA, an institution is prohibited from disclosing personally identifiable information from your education records, without consent, unless the disclosure meets an exception to FERPA's general consent requirement.

FPCO reviews and processes written complaints of alleged violations of FERPA. This Office investigates written complaints filed by an eligible student alleging a violation of FERPA only if the complaint:

- Is filed by an individual who maintains FERPA rights over the education records which are the subject of the complaint.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation; and,
- Contains specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred.

Under FERPA's enforcement provisions, this Office investigates timely complaints containing sufficient allegation of fact that would lead us to believe that a violation of FERPA may have occurred. In reaching this determination, FPCO reviews the information provided by the complainant, and considers all relevant statutory and regulatory requirements and the Department's interpretation of those requirements, when reaching a decision as to whether there are sufficient facts of a potential violation of FERPA that supports our conducting a formal investigation of a complaint.

You appear to allege in your complaint that the Institution violated the rights afforded you under FERPA when it failed to provide you with a copy of your education records as requested. Generally, under FERPA, an institution must provide an eligible student access to his or her education records within a reasonable period of time, but not more than 45 days after they receive a request for access from the eligible student. While required to provide an eligible student with access to his or her education records, an institution is not generally required by FERPA to provide copies of education records. However, if circumstances effectively prevent the eligible student from exercising his or her right to inspect and review education records, the institution would be required to either provide the eligible student with a copy of the records requested or make other arrangements that would allow for him or her to inspect and view the requested records. A case in point would be a situation in which the eligible student does not live within commuting distance of the institution.

With regard to transcripts in particular, please note that, while students have a right to inspect and review their education records, including transcripts if they exist and are maintained by the school, they do not necessarily have a right to a copy. Schools are not required to create a transcript, but if one exists, the student has the right to inspect and review it. Also, a school is not required to disclose transcripts at the request of a student to a new school or prospective employer, although such a disclosure is permitted. Some schools may have such a policy of not disclosing transcripts if the student owes money to the school.

Thus, based on the facts you provided, your complaint does not give this Office reasonable cause to believe that there has been a violation of FERPA. You allege in your complaint that you were denied copies of your education records; however, you do not indicate that you were denied an opportunity to inspect and review such records. As stated above, an institution is not generally required to provide you with copies of education records. Therefore, this Office is dismissing your complaint.

For more information regarding your rights under FERPA please review the [Guidance for Eligible Students](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/for-eligible-students.pdf) at https://studentprivacy.ed.gov/sites/default/files/resource_document/file/for-eligible-students.pdf. You also will find more information regarding [FERPA](#) on our website at:

<https://studentprivacy.ed.gov/>. We regret that we are unable to assist you with your concerns. Again, please accept our sincerest apology for the delay in our response.

Sincerely,

/s/

Dale King
Director
Family Policy Compliance Office