

# A PEATC

*Do You Know....*



## Understanding Your Rights to Access School Records: FERPA and FOIA Factsheet for Virginia's Parents

As a parent, you have rights under federal and state laws to access your child's school records. Here's a breakdown of these rights and how to use them.

### What is FERPA?

The [Family Educational Rights and Privacy Act](#) (FERPA) is a federal law that protects your child's educational records and gives you certain rights over them until your child turns 18. After that, these rights transfer to your child. FERPA applies to all students, not just those with disabilities. FERPA allows you to inspect and review records.

**Inspect and Review Records:** You can ask to see your child's school records. Schools are not required to provide copies unless it would be impossible for you to see them in person (for example, if you live far away). For more on how to access records under FERPA, you can view PEATC's [FERPA Fact Sheet](#).

### Another Way To Access Records: FOIA

In addition to FERPA, Virginia has another law called the [Virginia Freedom of Information Act](#) (FOIA). This law aims to make sure government actions, including meetings and records, are open and transparent to the public. FOIA lets you request access to and obtain copies of records, including school records, in a straightforward way.

#### FOIA Access Rules

- **Who Can Access:** Parents, legal guardians, and eligible students (over 18 or emancipated) can access school records through FOIA. Non-custodial parents also have access rights unless a court has restricted or denied access.

Third parties would not be able to obtain individually identifiable student records through a FOIA request.

## How To Request Records Under FOIA

1. **Make a Written Request:** FOIA requests should be in writing, but there's no specific form required. You don't even need to mention "FOIA" in your request since any written request for records counts as a FOIA request. However, it may be helpful to do so.
2. **Dual Requests:** You can request records under both FERPA and FOIA.
  - **FERPA:** Schools must respond within 45 days.
  - **FOIA:** Schools have five days to respond. They can:
    - Provide the records,
    - Withhold records,
    - Partially provide records, or
    - Ask for an additional seven days to fulfill the request.
3. **Possible Costs:** Schools can charge reasonable costs to locate, copy, and provide records. However, if the records are covered under both FOIA and FERPA (like special education records), **they must be provided to you without a fee** under the conditions of [§ 2.2-3705.4](#).

## Why FOIA Can Be Helpful

FOIA can be a faster way to access your child's records since the school has a five-day timeline to respond, and records covered by FOIA may be provided at no cost. This could be a valuable tool to get information more quickly than waiting for a FERPA response.

## Have Questions?

If you have questions about using FOIA or FERPA to access records, you can reach out to an attorney or contact the [Virginia Freedom of Information Advisory Council](#).

**PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.**

**For more information about us, please contact:**

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