

# Family Matters Fact Sheet

Michigan Department of Education Office of Special Education



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## Privacy and Access to Records

The privacy of student records is protected through both the *Family Educational Rights and Privacy Act* (FERPA) and the *Individuals with Disabilities Education Act* (IDEA). The laws also give parents the right to access their children's education records.

### FERPA

Federal law about the access to educational records for all students.

### IDEA

Federal law about special education that includes privacy protections.

#### What Can Be Shared

- Within 45 days of your request to review records, the school must let you review your child's records. However, the school does not have to provide you with copies to keep. If your school does make copies, ask whether there is a charge and the approximate cost. Ask for a reduced amount if the fee causes a financial hardship. If you are not able to review your child's records in person, the school is responsible for making other arrangements.
- Any school staff may

review educational records if it is related to valid educational needs.

- Schools submit information to local, state, and federal agencies for auditing and reporting.
- Testing information must be shared (or transmitted).
- Schools can share certain information (e.g., name, address, date and place of birth, dates of attendance, sports participation, honors, awards, most recent school attended) without permission after you are informed the information is "directory information." However,

you can tell the school that you do not want them to share directory information.

- In all other cases, schools must have written permission from you (or your child if 18 or older) to share any information about your child's education record.

#### What Cannot Be Shared

- Schools cannot share any personal information that could allow someone to contact, identify, or locate a person. Examples are report cards, transcripts, family information, class schedules, and disciplinary records.

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1-888-320-8384  
(OSE information line)



michigan.gov/  
specialeducation-familymatters



mde-ose@  
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Family Matters fact sheets are intended to enhance public understanding of Michigan's special education system and are not a substitute for official laws and regulations.



## When a Student Turns 18 Years Old

- Your rights to access and allowing access to educational records transfer to your child when he or she turns 18, or enters a postsecondary educational program.
- If your child signs a release, you can still access your child's education records.
- Schools may provide you with information if you claimed your child as a "dependent" on your most current income tax form. (Your child will have the ability to waive this option.)
- Schools can still share information with you regarding a health or emergency situation.
- If your child is under 21 years old, schools can share information with you about legal issues related to alcohol or controlled substance.
- School staff may share information with you that is based on the person's own knowledge or observation of your child.

## Privacy and Access to Records in a Private School Setting

The FERPA and IDEA apply to educational agencies that receive federal funding, and therefore, generally do not apply to private schools. However, your child's privacy is still protected if the public school places your child in a private school in order to provide services. If you choose on your own to enroll your child in a private school, but your child still receives special education services from the public school district, all information regarding those services are still protected by the FERPA and IDEA.

## Resources

- [Center for Parent Information and Resources \(CPIR\): Confidentiality and Access to Student Records](#)
- U.S. Department of Education
  - » [Individuals with Disabilities Education Act \(IDEA\): Sec. 300.613 Access rights](#)
  - » [A Parent Guide to the FERPA: Rights Regarding Children's Education Records](#)
  - » [IDEA and FERPA Crosswalk](#)



[Michigan Alliance for Families:  
Privacy and Access](#)