

FERPA Exception for Health & Safety Emergencies

Purpose:

This handout explains the **Family Educational Rights and Privacy Act (FERPA) exception** that allows schools to disclose student information **without consent** when a **health or safety emergency** exists. Understanding this exception helps educators and administrators navigate **privacy laws** while ensuring school safety.

1. Understanding FERPA's General Protections

- **FERPA (Family Educational Rights and Privacy Act)** protects the privacy of student education records.
- Schools **generally cannot disclose student information** without parental consent.
- Applies to **all educational institutions** receiving federal funding.

 **Reference:** 20 U.S.C. § 1232g; 34 CFR Part 99.

2. FERPA's Health & Safety Emergency Exception

Schools **can share student information without consent** when:

- ✓ There is a **significant and articulable threat** to student or public safety.
- ✓ The disclosure is necessary to **protect the health and safety of individuals**.
- ✓ The information is shared with **appropriate parties** (law enforcement, medical personnel, mental health providers, school officials).

Examples of When This Exception Applies:

- A student makes a **credible threat of violence** against a classmate or staff member.
- A student **experiences a medical crisis** requiring immediate intervention.
- Law enforcement needs **student records** to address a school safety incident.

 **Reference:** 34 CFR § 99.36 (Health or Safety Emergency Exception).

3. Who Can Receive Information Under This Exception?

Schools can disclose student records to:

- **Law enforcement officials** (SROs, local police, FBI).

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- **Medical or mental health professionals** (School counselors, crisis intervention teams).
- **Public health agencies** (When necessary for disease outbreaks or health concerns).
- **Other school officials** (Principals, district safety teams, behavioral threat assessment teams).

 **Reference:** U.S. Department of Education FERPA Guidance.

4. Best Practices for Schools

- ✓ **Assess the situation carefully**—determine if an immediate safety risk exists.
- ✓ **Disclose only necessary information**—limit records to relevant safety concerns.
- ✓ **Document the disclosure**—record when, why, and to whom the information was shared.
- ✓ **Follow state & district policies**—align decisions with local legal guidance.
- ✓ **Train staff on FERPA & exceptions**—ensure educators know when they can share information legally.

 **Handout:** Multi-Agency Response Checklist

5. Key Takeaways & Final Reminders

- ✓ **FERPA normally protects student privacy**, but safety concerns override confidentiality.
- ✓ **Schools can disclose information without consent** in cases of **immediate danger**.
- ✓ **Only relevant parties** (law enforcement, medical professionals, administrators) should receive information.
- ✓ **Proper documentation is required** to ensure compliance.

 **For Further Guidance:** Contact your school's **legal counsel, administrator, or district compliance officer** for case-specific decisions.