

FERPA REFERENCE GUIDE IN THE EVENT OF A HEALTH OR SAFETY EMERGENCY

Generally, FERPA prohibits NC State from disclosing student education records (or information from student records) to anyone other than the student to whom the records pertain, unless NC State has the student's consent or an exception applies.

“It is best to assume that all records concerning students are covered by FERPA”

Education records are not limited to academic records but records that are directly related to a student and maintained by NC State. This includes grades, transcripts, and exams and includes *all other* records in *any* format that contain personally identifiable information – such as schedules, accounts, financial aid records, and e-mails.

While it is best to assume that all records concerning students are covered by FERPA, there are exceptions which allow NC State to disclose certain records, even though they contain personally identifiable information. An important exception is the *health or safety emergency* exception.

When does the Health or Safety Emergency exception apply?

Disclosures are permitted, without the student's consent, if necessary to protect the health or safety of the student or other individuals.

Disclosures must be made “in connection with an emergency,” which means it must be related to an actual or imminent emergency such as when a student is injured or is a threat to others.

Who makes the determination that an emergency exists?

There must be an “articulable and significant threat” defined by law enforcement, medical professionals, or the university's Behavioral Assessment Team.

There are limitations...

This exception is limited to the time period of the emergency and does not allow for a blanket release of personally identifiable information.

Typically law enforcement, public health officials, trained medical personnel and parents are the types of appropriate persons to whom information may be disclosed.

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When does FERPA not apply?

Personal Knowledge or Observation. FERPA does not prohibit a school official from disclosing information about a student that is obtained through personal knowledge or observation.

For example, if a professor overhears a student making threatening remarks to others, FERPA does not protect that information from disclosure.

However, this does not apply where a school official personally learns of information about a student after reviewing or reading an education record.

Information can be shared with “school officials” who have a “legitimate educational interest”

Law Enforcement Unit Records. FERPA does not apply to records that are: (1) created by a law enforcement unit; (2) for a law enforcement purpose; and (3) maintained by the law enforcement unit.

Note: FERPA does apply to records created by a law enforcement unit for a law enforcement purpose *that are maintained by a different unit of the educational institution*; or records created or maintained for a non-law enforcement purpose, such as disciplinary action.