

## FERPA – Health and Safety Emergency

Family Education Rights and Privacy Act and La. R.S. 17:3914 prohibit the disclosure of student educational records and personally identifiable information without consent.

### *Health and Safety Emergency*

FERPA's health and safety emergency provision permits disclosures, without consent, if necessary to protect the health or safety of the student or others.

Typically, such disclosures would be made to law enforcement, public health officials, trained medical personnel, and parents of students over 18.

Disclosures under the health and safety provision must be “**in connection with an ongoing emergency**” which means that it must be related to an actual, impending, or imminent emergency such as a natural disaster, a terrorist attack, a campus shooting or the outbreak of an epidemic.

If a school official believes that there is a significant threat and that a third party needs personally identifiable information to protect the student or others, then the school official may disclose the information without consent.

### *Personal Knowledge and Observation*

FERPA applies to the disclosure of education records and information derived from education records.

FERPA **does not** prohibit a school official from disclosing information about a student that is learned through **personal knowledge or observation** and not from the student's education records.

For example, if a teacher overhears a student making a threatening remark to other students, FERPA does not protect that information from disclosure.

This rule doesn't apply when the information is obtained in connection with the school official's role in making a determination that is maintained in a student record.

For example, under FERPA, a principal or dean who took official action to suspend a student may not disclose that information without consent, or unless there is a health and safety emergency.

### **Crisis Communications, FERPA and Social Media**

As a school official, you may determine that there is a health and safety emergency that warrants disclosure of student information without consent

This does *not* apply to teachers or other staff members disclosing information about students via social media during a crisis situation

School leaders should be very clear with all staff members that disclosing information about students via social media during a crisis situation is a violation of law and district policy.

Please discourage teachers and staff members from sending out information via twitter and other social media when there is a crisis situation — it only adds to the confusion

The only people your staff should be communicating with during a crisis are family members in order to let them know that they are safe.

Board policy prohibits school employees from communicating directly with students by any means other than those provided by the school district.

Communicating directly with students via any form of social media is a violation of board policy without express, written consent from the school principal

Staff members should be instructed to discontinue any contacts with students on social media and to discontinue any communications with students by any means other than those provided by the district.

July, 2018