

DISCLOSURE OF EDUCATION RECORDS IN HEALTH AND SAFETY EMERGENCIES

If the university determines that there is **an articulable and significant threat to the health or safety of a student or other individuals**, FERPA allows disclosure of information from education records **to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.**¹

- “Articulable and significant threat” means that if a school official can explain why, based on all the information then available, he or she reasonably believes that a student poses a significant threat, such as a threat of substantial bodily harm, to any person, including the student, the university may disclose education records to any person whose knowledge of information from those records will assist in protecting a person from that threat.
- “Appropriate parties” include parents of the student; parents may be notified when there is a health or safety emergency involving their son or daughter.

In making a determination to disclose information, the university may take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. An emergency can be related to the threat of an actual, impending, or imminent emergency, such as a terrorist attack, a natural disaster, a campus shooting, or the outbreak of an epidemic such as e-coli. An emergency can also be a situation in which a student gives sufficient, cumulative warning signs that lead the school official to believe the student may harm himself or others at any moment.

The FERPA **recordkeeping requirements** require the university to record 1) the articulable and significant threat that formed the basis for the disclosure and 2) the parties to whom the information was disclosed. This record will demonstrate what circumstances led to the determination that a health or safety emergency existed and how the disclosure was justified. The record must be made within a reasonable period of time after the disclosure was made. The record must be maintained with the education records of the student for as long as the student’s education records are maintained. **After disclosing information under the FERPA health and safety exception, document the following information and forward the record to the vice chancellor for student services/ affairs.**

- Student’s Name
- To whom did the student pose a significant threat to health or safety?
- Articulate the significant threat to health or safety
- Describe the circumstances and the information available (including relevant dates)
- Identify the information that was disclosed
- Name(s) of person(s) to whom the information was disclosed
(person whose knowledge of the information would assist in protecting a person from the threat; or parents)
- Date(s) disclosure was made
- Name(s) of UA employee(s) making determination of health and safety emergency
- Date the record of disclosure was made

¹ Note: The FERPA health and safety requirements **do not** apply to disclosures to a University of Alaska employee with a legitimate educational interest in the information. Information from education records may be disclosed to a University employee if the information is necessary for that employee to perform work appropriate to his or her position.