

## 12. Parent Asks Teacher What He Knows About a Student Who is Dating and May Be Harassing Her Child



A teacher at a middle school sees a male student being verbally abusive to a female student in the hallway. He immediately notifies the principal.

The next morning, the mother of the female student involved in the incident appears at school and asks to speak to the teacher. She explains that the male student and her daughter have been going out for four months and that she is concerned because the boy has become very controlling toward her daughter, telling her what she should wear and instructing her not to spend time with her friends.

The mother reports that her daughter came home from school very upset the previous day, saying that her boyfriend had verbally threatened her in the hallway and that the scene had been witnessed by the teacher. The mother believes that her daughter is frightened of the boy and says she's concerned that the boy could become violent toward her daughter. She asks the teacher to describe the interaction he observed between her daughter and the boy. She also wants to know what the school is doing to investigate the situation and to discipline the boy.

### Who has the information?

The teacher and the principal.

### Who wants the information?

The student's mother.

### What information does the requester want?

The mother wants information regarding the interaction between her daughter and another student and any investigation or disciplinary action being taken against the other student.

### What does the requester want to do with the information?

It is unclear from the facts, but the mother presumably wants to ensure that her daughter is being adequately protected.

### Which laws are relevant in this situation?

FERPA governs the disclosure of disciplinary information about students.

## What do the laws permit, and what do they prohibit?

In general, FERPA requires parental authorization to share information contained in a student's education record—but a FERPA exception to the need for parental consent *may* apply here. FERPA allows school officials to release information to an individual in connection with a health or safety emergency if that person's knowledge of the information is necessary to protect the health or safety of a student or others. If a school official determines that there is an *articulable and significant threat to the health or safety of the student or other individuals* and that a party *needs the information to protect the health or safety of the student or other individuals*, the school may disclose the information to an appropriate party without parental consent.

## How can school personnel proceed legally in this situation?

### SHARE INFORMATION FROM PERSONAL KNOWLEDGED THAT IS NOT CONTAINED IN EDUCATION RECORDS

The teacher may describe the interaction he observed between the two students. What the teacher observed is not contained in a student's education record; therefore, the teacher does not need parental consent to share the information. If there is a law enforcement investigation related to the incident that is not included in the student's record, the teacher may also share that information.

### OBTAIN PARENTAL CONSENT

Since the teacher may not disclose information regarding any disciplinary action being taken against the male student without the consent of the boy's parent, the teacher or other school staff could meet with the boy's parent and request the parent's written consent to share this information. Under FERPA, written authorization to release education records must do the following:

- Specify the records to be disclosed
- State the purpose of the disclosure
- Identify the party or class of parties to whom disclosure is to be made
- Be signed and dated by the student's parent or guardian

### USE THE HEALTH AND SAFETY EMERGENCY EXCEPTION

The health and safety emergency exception to FERPA might apply if the school were concerned that there is an articulable and significant threat to the health or safety of the female student and that the information is needed to protect her. In this situation, as long as the teacher and principal can explain why they believed that there was a substantial threat to the female student, they are permitted to share information regarding disciplinary action taken against the male student without his parent's consent.