


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Written by: Cody Brumfield
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FERPA Amendments Proposed in Senate

On the one-year anniversary of the shootings at Virginia Tech, Virginia Democrat Jim Webb introduced a series of amendments to the Family Educational Rights and Privacy Act designed to eliminate perceived ambiguities in the law and ensure that FERPA will not impede information sharing between campus officials and mental health providers when treating students.

The amendments would not substantively change the rights or responsibilities of officials on campus; rather, the language seeks to reiterate or clarify statute and past regulatory interpretations. In so doing, the Sen. Webb hopes to discourage overly-cautious interpretations that could limit information sharing between colleges and health providers.

The bill contains three amendments.

The first would add a clause intended to clarify that FERPA does not preclude the sharing of information between a campus official and a "physician, psychiatrist, psychologist, or other recognized healthcare professional or paraprofessional acting in the individual's professional or paraprofessional capacity, or assisting in that capacity."

The second would add a clause to the "safe harbor" provision reading:

"The release by an educational agency or institution of education records or personally identifiable information contained in such records in the good faith belief that such release is necessary to protect against a potential threat to the health or safety of the student or other persons, shall not be deemed a failure to comply with this section regardless of whether it is subsequently determined that the specified conditions for such release did not exist."

Essentially, the language reiterates that colleges will not be held liable for disclosing non-protected information should college officials believe the disclosure is necessary to protect health and safety.

The third states explicitly that colleges are safe from being held liable for the release of information campus officials believe would "protect against a potential threat to the health or safety of the student or other persons."

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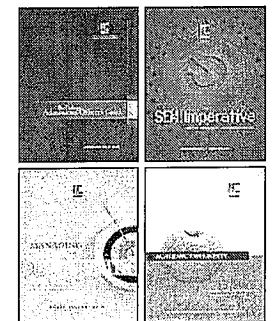
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- [Editorial Update](#)
Views and analysis
- [Survey Results](#)
Data and analysis of recent member surveys.
- [Member Update](#)
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