

MYTH: HIPAA Limits the Use and Disclosure of Information in Student Medical Records.**FACT: The Family Educational Rights and Privacy Act (FERPA) governs the use and disclosure of student health records.**

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records maintained by education agencies and institutions that receive federal funding. FERPA broadly defines “student education records” as including “records, files, documents, and other materials” that “contain information directly related to a student.” Consequently, immunization records and student health records fall within the scope of FERPA. For example, the use and disclosure of information held in student health records maintained by nurses at schools that must comply with FERPA is governed by FERPA, not HIPAA.

FERPA does not include within the definition of “education record” those records created by a physician or mental health professional about a postsecondary student or student over the age of 18 if such records are created for treatment purposes. Students must issue their written consent before a school may disclose such records non-treatment purposes.

Education agencies and institutions may only release education records upon obtaining the written consent of a parent or guardian or a student over the age of 18. Written consent is *not* necessary in the following circumstances:

- Disclosures to parents of dependent children;
- Disclosures for health and safety purposes during an emergency;
- Disclosures to school officials and teachers so long as there is a “legitimate educational interest;”

- Disclosures that occur in connection to the application for or receipt of financial aid;
- Disclosures for accreditation purposes;
- Disclosures pursuant to grand jury or law enforcement related subpoenas;
- Disclosures related to education programs and scholastic improvement; and
- Disclosures to government authorities (e.g. Secretary of Education, Comptroller General).

For More Information:

- [Learn](#) about state and federal laws related to privacy & confidentiality.
- [Read](#) our overview of FERPA and related resources.

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