

Common Authorization Requirements for Obtaining and Disclosing Student Health Information

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This table identifies some common situations in which school district personnel may be faced with questions of whether an authorization is required for obtaining or disclosing student health information. This table assumes that each school or district is covered by the federal Family Education Rights and Privacy Act (“FERPA”). A more fundamental assumption underlying this table is that the school or district at issue does not have any health care component that is a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). NOTE: As a general rule, schools or districts without a covered health care component are only subject to the privacy protections under FERPA, and not HIPAA. The analysis of situations involving use or disclosure with a covered health care component could differ significantly and should be resolved through use of appropriate policies and procedures by the school or district, or in consultation with legal counsel where no policy applies. **The information contained in this table is for educational purposes only and is not intended to substitute for legal advice in specific situations.**

Task/Function	Purpose of Request, Use or Disclosure	Authorization required? (Y/N)	Applicable legal rules or permissions	Comments
Obtaining and Using Student Health Information				
Obtaining mental health information from student’s evaluator or treatment provider(s)	Using information in developing or updating student’s IEP	Yes	<ul style="list-style-type: none"> HIPAA requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. 45 CFR § 164.502(a). Washington’s “Baby” HIPAA likewise requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. RCW 70.02.020(1). 	<ul style="list-style-type: none"> Generally, if state law permits a minor to consent to the treatment and no other consent is required, the parent would not be a personal representative of the minor and could not authorize the disclosure of the information. 45 CFR § 164.502(g)(3). Parental consent is very situational and depends on the type of treatment (inpatient, outpatient) and age of the minor

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	Try to counter a suicide attempt by the student	No	<ul style="list-style-type: none"> • HIPAA permits providers to disclose information without authorization to a person reasonably likely to prevent or lessen a serious and imminent threat to the person or another individual. 45 CFR 164.512(j). • Washington’s “Baby” HIPAA permits providers to disclose information without authorization to a person reasonably likely to avoid or minimize an imminent danger to the person or another RCW 70.02.050(1)(c). • FERPA permits districts to release records or personally identifiable information (“PII”) to “appropriate parties” in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other individuals. There must be a determination, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of a student or other individuals. Disclosure is limited to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 CFR § 99.36. 	<p style="text-align: center;">(i.e., 13 or above).</p> <ul style="list-style-type: none"> • Providers are not required to release information. 45 CFR § 164.512(j); RCW 70.02.050(1)(c). • HIPAA limits the information disclosed to the minimum necessary amount of information to achieve the purpose of the use or disclosure. 45 CFR § 164.502(b).
Obtaining reproductive health or sexually transmitted disease information from student’s evaluator or treatment provider	Using information to assess whether to accept a student for transfer	Yes	<ul style="list-style-type: none"> • HIPAA requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. 45 CFR § 164.502(a). 	<ul style="list-style-type: none"> • RCW 28A.225.225 permits districts to request and receive the permanent record and disciplinary records of a

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			<ul style="list-style-type: none"> • Washington’s “Baby” HIPAA likewise requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. RCW 70.02.020(1). • Washington law places specific restrictions on release of information regarding certain sexually transmitted diseases and restricts further access and disclosure. RCW 70.24.084(5); 70.02.220. • FERPA requires transferring districts to make a “reasonable attempt” to give advance notice to a parent or eligible student regarding the transfer of records to a receiving district. Advance notice may be given by (1) a written notice to the parent/eligible student’s last known address; or (2) a notice of this practice within the annual notification informing parents of their FERPA rights. 34 CFR § 99.34. 	<p>transferring student. A district may refuse transfer applications of students with a history of violence, disruptive behavior, gang membership, or suspensions/expulsions for more than 10 consecutive school days. Refusing a student based on health information is not authorized under RCW 28A.225.225.</p>
	Using information to prevent an immediate threat of sexual assault on school premises	No	<ul style="list-style-type: none"> • HIPAA permits providers to disclose information without authorization to a person reasonably likely to prevent or lessen a serious and imminent threat to the person or another individual. 45 CFR 164.512(j). • Washington’s “Baby” HIPAA permits providers to disclose information without authorization to a person reasonably likely to avoid or minimize an imminent danger to the person or another RCW 70.02.050(1)(c). 	<ul style="list-style-type: none"> • Providers are not required to release information. 45 CFR § 164.512(j); 70.02.050(1)(c). • HIPAA limits the information disclosed to the minimum necessary amount of information to achieve the purpose of the use or disclosure. 45 CFR § 164.502(b).

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Obtaining and Using Student Health Information				
			<ul style="list-style-type: none"> • FERPA permits districts to release PII to “appropriate parties” in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other individuals. There must be a determination, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of a student or other individuals. Disclosure is limited to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 CFR § 99.36. 	<ul style="list-style-type: none"> • Washington law governing the disclosure of these records includes exceptions to prevent harm to others as a result of sexual contact. See, e.g., RCW 70.24.034.
Obtaining substance abuse related information from student’s evaluator or treatment provider	Using information in developing student’s IEP	Yes	<ul style="list-style-type: none"> • HIPAA requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. 45 CFR § 164.502(a). • Washington’s “Baby” HIPAA likewise requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. RCW 70.02.020(1). • Washington law requires specific authorization for release of substance abuse treatment records and requires the consent of the minor, if the minor is 13 or older. RCW 70.96A.150(1), 70.96A.095, 70.96A.235. • Federal law requires authorization from the minor if 13 or older and from both the minor and the parent if the minor is 	<ul style="list-style-type: none"> • Federal law prohibits re-disclosure of information without authorization so if this information is obtained pursuant to a proper authorization or order, it must be safeguarded appropriately. 42 CFR § 2.32.

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			less than 13. 42 CFR § 2.14. ¹	
	Using information to prosecute student for drug use on school premises	Yes	<ul style="list-style-type: none"> Federal law requires that a court order be obtained prior to any release of information for this purpose. 42 USC § 290dd-2(c); CFR § 2.65. Under FERPA, districts must make reasonable attempts to notify the parent or eligible student prior to disclosing education records in response to a judicial order or subpoena, unless directed otherwise by the court issuing the subpoena. 34 CFR § 99.31(a)(9). 	<ul style="list-style-type: none"> Washington law does not address the issue, so federal law would apply and a court order would be required. See <i>generally</i> RCW 70.96A.150. If received, the information must be safeguarded from unlawful re-disclosure. 42 CFR § 2.32.
Obtaining general health information from athlete's evaluator or treatment provider	Assessing student's fitness to participate in a school sports program	Yes	<ul style="list-style-type: none"> HIPAA requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. 45 CFR § 164.502(a). Washington's "Baby" HIPAA likewise requires that providers obtain authorization except where permitted or required by law. There is no specific permission to address educational evaluations. RCW 70.02.020(1). 	
Obtaining health information directly from athlete	Assessing fitness to participate in school sports program	No	<ul style="list-style-type: none"> HIPAA does not apply to disclosure of information by individuals who are the subject of their health information unless the recipient of the disclosure is a 	

¹ The underlying federal statute is the Drug and Alcohol Abuse Prevention, Treatment, and Rehabilitation Act. This Act and the associated regulations apply to federally assisted alcohol and drugs abuse programs. See 42 USC § 290dd-2; 42 CFR § 2.3. However, Washington law mandates that these federal provisions apply to all programs approved to provide services in Washington. RCW 70.96A.150(3).

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			covered entity or a vendor who helps the covered entity perform covered functions. 45 CFR 164.500(a). <ul style="list-style-type: none"> Washington’s “Baby” HIPAA likewise does not apply to the disclosure of information by individuals who are the subject of their health information unless the recipient of the disclosure is a health care provider or a vendor assisting the health care provider provide health care services to the individual. RCW 70.02.020. 	
Obtaining health information directly from student’s parent’s parent or guardian	Using information in developing or updating student’s IEP	No	<ul style="list-style-type: none"> HIPAA does not apply to disclosure of information by parents unless the recipient of the disclosure is a covered entity or a vendor who helps the covered entity perform covered functions. 45 CFR 164.500(a). Washington’s “Baby” HIPAA likewise does not apply to the disclosure of information by parents unless the recipient of the disclosure is a health care provider or a vendor assisting the health care provider provide health care services to the parent’s child. RCW 70.02.020. FERPA does not apply to parental input. 	
Obtaining health information regarding a student from a volunteer	Evaluating an incident that occurred on a school field trip	No	<ul style="list-style-type: none"> No health law requirements apply to such use or disclosure by volunteers unless the volunteers are health care providers or other covered entities and obtained the information in that capacity. 45 CFR § 164.500(a); RCW 70.02.020. FERPA permits disclosure from a school 	

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			volunteer to any school official where there is a legitimate educational interest. 34 CFR 99.31(a)(1)(i)(A).	
Obtaining information from a juvenile justice worker or criminal detention center	Understand conditions of a student's parole or suspended sentence	Probably	<ul style="list-style-type: none"> HIPAA would apply to disclosures from the health care component of a correctional institution such as a juvenile detention center if the health care component electronically submits information related to transactions falling within the scope of HIPAA. See 45 CFR § 160.102(a)(3). Washington's "Baby" HIPAA likewise would apply to health care providers and thus the health care provider component of the correctional institution. RCW 70.02.010(9), 70.02.050. 	<ul style="list-style-type: none"> Additional protections to mental health and substance abuse information would also likely require an authorization.
Obtaining information from school bus drivers	Address access concerns or disruptive behavior on bus	No	<ul style="list-style-type: none"> No health law requirements apply. 45 CFR § 164.500(a). FERPA permits the disclosure of education records without prior consent to other school officials with a "legitimate educational interest" in the student's record. 34 CFR § 99.31(a)(1). 	<ul style="list-style-type: none"> FERPA applies to recorded information directly relating to a particular student that is maintained by the school or district. 34 CFR § 99.3. If there is a video or a bus driver filed a written report, it would be covered by FERPA.
Obtaining survey data, group or individual psychological work or evaluations about certain sensitive biographical and personal information from individual students	To facilitate research	Yes	<ul style="list-style-type: none"> HIPAA requires authorization and informed consent for disclosures for research purposes. 45 CFR § 164.512(i). The federal Hatch Act, 20 USC § 1232(h), prohibits districts from requiring 	<ul style="list-style-type: none"> FERPA permits disclosure of PII without parental consent to an organization conducting research for or on behalf of educational

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			student participation in such studies without parental consent. <ul style="list-style-type: none"> Chapter 392-500 WAC prohibits districts from allowing students to participate in such studies without parental consent. 	agencies only under certain enumerated circumstances. 34 CFR § 99.31(a)(6).

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Disclosing Student Health Information				
Disclosing information to contracted mental health worker	To assist in evaluation or treatment	Possibly	<ul style="list-style-type: none"> ● HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). ● Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. ● FERPA requires the district to obtain consent unless the mental health worker is a “school official” with a “legitimate educational interest” in the information. No consent is required if the contractor (1) performs an institutional service or function for which the school would otherwise use employees, and (2) is under the direct control of the school or district with respect to the use and maintenance of education records. 34 CFR § 99.31(a)(1). 	<ul style="list-style-type: none"> ● Washington law anticipates that school district personnel may contact inpatient mental health treatment providers. RCW 71.34.305. ● Other privacy requirements may limit or prevent disclosure, e.g., WAC 392-172A-03000 requires parental consent before a student’s evaluation for special education purposes.
Disclosure by coach of detail regarding athlete’s injury	Talking with reporters	Possibly	<ul style="list-style-type: none"> ● HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). ● Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. ● FERPA would generally not apply to personal observations made by district staff about a student. FERPA requires prior consent if the coach shared PII from records such as film or pictures taken by the school of the injury, unless those types of records were designated in the district’s annual FERPA notice as “directory information” that may be 	

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			disclosed with prior consent. 34 CFR § 99.31(a)(11).	
Disclosure by coach of detail regarding athlete's substance abuse	Explaining disciplinary decision to parents	Possibly	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington's "Baby" HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • FERPA permits disclosure of education records to parents. 34 CFR § 99.31(a)(8) and (12). • If the school received the information from a treatment facility or other health care provider, pursuant to the required authorization, federal and state law would prohibit the re-disclosure of the information without the authorization of the minor if 13 or older. If the minor is less than 13, both the minor and a parent would be required to authorize the disclosure. 42 CFR § 2.14, 2.32; RCW 70.96A.150(1), 70.96A.095, 70.96A.235. 	<ul style="list-style-type: none"> • If the information was not initially received from a treatment facility, these restrictions would not apply. • Other privacy requirements may limit or prevent disclosure.
Disclosure of health information from school nurse to volunteer	To facilitate help by a person assisting in health room	Possibly	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity (even though a licensed health care professional is involved). 45 CFR 164.500(a). Regardless, HIPAA permits the disclosure of health information for treatment purposes without an authorization. 45 CFR 164.502(a)(1). • Washington's "Baby" HIPAA permits the disclosure of health information for treatment purposes without an 	<ul style="list-style-type: none"> • Other privacy requirements may limit or prevent disclosure.

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			<p>authorization. RCW 70.02.050(1)(a).</p> <ul style="list-style-type: none"> • FERPA requires the district to obtain consent unless the volunteer is a “school official” with a “legitimate educational interest” in the information. 34 CFR § 99.31(a)(1). No consent is required if the volunteer (1) performs an institutional service or function for which the school would otherwise use employees, and (2) is under the direct control of the school or district with respect to the use and maintenance of education records. • If the health information pertains to substance abuse treatment, federal and state law permit the disclosure for treatment purposes, subject to HIPAA’s limitations. 42 CFR 2.3(b)(2); RCW 70.96A.150(3). • If the health information pertains to sexually transmitted diseases, Washington law allows the disclosure for treatment purposes. RCW 70.02.220(5). 	
Disclosing general health information to law enforcement officials	Investigation of a crime on school premises	Possibly	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • RCW 28A.600.475 authorizes schools to cooperate with law enforcement to the extent permitted by FERPA. • Under FERPA, districts must make reasonable attempts to notify the parent 	<ul style="list-style-type: none"> • If the information pertains to substance abuse treatment or sexually transmitted diseases and was initially obtained from the treatment provider pursuant to an authorization, any subsequent disclosure must be made pursuant

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			<p>or eligible student prior to disclosing education records in response to a judicial order or subpoena issued for law enforcement purposes, unless directed otherwise by the court issuing the subpoena. 34 CFR § 99.31(a)(9).</p> <ul style="list-style-type: none"> • FERPA permits districts to release PII to “appropriate parties” in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other individuals. There must be a determination, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of a student or other individuals. Disclosure is limited to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 CFR § 99.36. 	<p>to an authorization. 42 CFR 2.32.</p> <ul style="list-style-type: none"> • FERPA does not protect records maintained by a district’s designated law enforcement unit. 34 CFR §§ 99.3 and 99.8. • If a district refers a student with a disability to law enforcement for suspected criminal activity, 20 USC § 1415(k)(6) requires districts to share special education and discipline records with the appropriate law enforcement agency, to the extent permitted by FERPA.
Disclosing mental health information to law enforcement officials	Investigation of a crime on school premises	Possibly	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • RCW 28A.600.475 authorizes schools to cooperate with law enforcement to the extent permitted by FERPA. • Under FERPA, districts must make reasonable attempts to notify the parent or eligible student prior to disclosing education records in response to a judicial order or subpoena issued for law 	<ul style="list-style-type: none"> • With limited exceptions, RCW 71.34 does not apply to information a school holds in its records. • If a district refers a student with a disability to law enforcement for suspected criminal activity, 20 USC § 1415(k)(6) requires districts to share special education and discipline records with the

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			<p>enforcement purposes, unless directed otherwise by the court issuing the subpoena. 34 CFR § 99.31(a)(9).</p> <ul style="list-style-type: none"> • FERPA permits districts to release PII to “appropriate parties” in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other individuals. There must be a determination, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of a student or other individuals. Disclosure is limited to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 CFR § 99.36. • FERPA excludes an individual’s personal notes from the definition of “education records” if the notes are used only as a personal memory aid. 34 CFR § 99.3. However, if disclosed to anyone, e.g., law enforcement or other staff, than these so-called “sole possession notes” become education records and require parent or eligible student consent prior to disclosure, except as otherwise permitted under FERPA. 	<p>appropriate law enforcement agency, to the extent permitted by FERPA.</p>
Disclosing drug/alcohol abuse information to law enforcement officials	Apprehension or prosecution of a criminal	Possibly	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. 	<ul style="list-style-type: none"> • If a district refers a student with a disability to law enforcement for suspected criminal activity, 20 USC § 1415(k)(6) requires

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			<ul style="list-style-type: none"> • Information a school has regarding substance abuse treatment obtained from a treatment provider pursuant to the required authorization may not be re-disclosed without an authorization from the student. 42 CFR § 2.32; RCW 70.96A.150(3). • RCW 28A.600.475 authorizes schools to cooperate with law enforcement to the extent permitted by FERPA. • Under FERPA, districts must make reasonable attempts to notify the parent or eligible student prior to disclosing education records in response to a judicial order or subpoena issued for law enforcement purposes, unless directed otherwise by the court issuing the subpoena. 34 CFR § 99.31(a)(9). • FERPA permits districts to release PII to “appropriate parties” in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other individuals. There must be a determination, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of a student or other individuals. Disclosure is limited to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. 34 CFR § 99.36. 	<ul style="list-style-type: none"> • districts to share special education and discipline records with the appropriate law enforcement agency, to the extent permitted by FERPA. • Other privacy requirements may limit or prevent disclosure.
Disclosing mental health information to child protective	To report suspected abuse	No	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered 	<ul style="list-style-type: none"> • Even if these laws applied, they provide

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services			entity. 45 CFR § 164.500(a). <ul style="list-style-type: none"> • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • FERPA is silent on this issue, but it is generally believed a district may report suspected child abuse as required by state law. • RCW 26.44.030(14)(a)(ii) authorizes CPS and law enforcement agencies investigating alleged neglect and abuse to access all relevant records of a child in the possession of mandated reports. 	exceptions that would allow disclosures to agencies authorized to receive this information. 45 CFR § 164.512(c); RCW 70.02.050(2). <ul style="list-style-type: none"> • Other privacy requirements may limit or prevent disclosure.
Disclosing general health information to child protective services	To report suspected abuse	No	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • FERPA is silent on this issue, but it is generally believed a district may report suspected child abuse as required by state law. • RCW 26.44.030(14)(a)(ii) authorizes CPS and law enforcement agencies investigating alleged neglect and abuse to access all relevant records of a child in the possession of mandated reports. 	<ul style="list-style-type: none"> • Even if these laws applied, they provide exceptions that would allow disclosures to agencies authorized to receive this information. 45 CFR § 164.512(c); RCW 70.02.050(2).
Disclosing student’s health condition to school bus drivers	To promote vigilance with respect to vulnerable students	No, unless substance abuse or sexually transmitted disease	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. 	

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Disclosing Student Health Information				
		information	<ul style="list-style-type: none"> ● Information about a student’s substance abuse treatment or treatment for sexually transmitted diseases that a school received pursuant to the required authorization would require further authorization before it could be re-disclosed. See 42 CFR § 2.32; RCW 70.96A.150(3); 70.02.220. ● FERPA permits the district to disclose the health information to bus drivers, provide they are a “school official” with a “legitimate educational interest” in the information. 34 CFR § 99.31(a)(1). 	
Disclosing information to juvenile justice workers	To assist with evaluation of potential violation of parole/suspended sentence requirements	No, unless substance abuse information	<ul style="list-style-type: none"> ● HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). ● Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. ● Information about a student’s substance abuse treatment that a school received pursuant to the required authorization would require further authorization before it could be re-disclosed. See 42 CFR § 2.32; RCW 70.96A.150(3). ● RCW 28A.600.475 authorizes schools to exchange information with juvenile court officials to the extent permitted by FERPA. ● FERPA permits disclosures to state and local officials, if allowed by state statute, concerning the juvenile justice system’s ability to effectively serve the student prior to adjudication. 34 CFR § 99.31(a)(5). 	<ul style="list-style-type: none"> ● FERPA requires that juvenile court officials certify that they will not redisclose the education records to any other party, except as provided by law, without the prior consent of parent or eligible student. 34 CFR § 99.31(a)(5).

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Disclosing information to potential employers in work-based learning programs	To aid in decision whether eligible for participation in program	Yes	<ul style="list-style-type: none"> ● FERPA requires the school district to obtain consent unless the employer is a “school official,” under 34 CFR § 99.31(a)(1). HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). ● Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. ● Information about substance abuse treatment received pursuant to the required authorization would require further authorization before it could be re-disclosed. See 42 CFR § 2.32; RCS 70.96A.150(3). ● Information about sexually transmitted diseases received pursuant to the required authorization would require further authorization before it could be re-disclosed, unless the student would be working in a health services environment that leads to potential transmission. RCW 70.02.220(2)(g). 	<ul style="list-style-type: none"> ● Other privacy requirements may limit or prevent disclosure. ● FERPA likely permits such disclosures to a school-based counselor or job placement coordinator, rather than direct disclosures to the employer. Depending on the nature of the work-based learning program, such disclosures likely require a parent or eligible student’s prior written consent.
Disclosing general health information OSPI	To assist with oversight of school district	No, unless substance abuse or sexually transmitted disease information	<ul style="list-style-type: none"> ● HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). ● Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. ● Information about a student’s substance abuse treatment or treatment for sexually transmitted diseases that a school received pursuant to the required authorization would require further 	<ul style="list-style-type: none"> ● Other privacy requirements may limit or prevent disclosure.

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Disclosing Student Health Information				
			<p>authorization before it could be re-disclosed. See 42 CFR § 2.32; RCW 70.96A.150(3); 70.02.220.</p> <ul style="list-style-type: none"> • FERPA permits disclosures to state and federal education authorities in connection with an audit or evaluation of state or federal supported education program or the enforcement or compliance with federal legal requirements which relate to those programs. 34 CFR §§ 99.31(a)(3), 99.35. 	
Disclosing general health information to parents	Per request	No	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • FERPA permits disclosure of education records to parents. 34 CFR § 99.31(a)(8) and (12). 	<ul style="list-style-type: none"> • Even if these laws applied, they provide exceptions that may allow disclosures to parents in certain circumstances. 45 CFR § 164.510(b); RCW 70.02.050(1).
Disclosing drug/alcohol abuse information to parents	Per request	Yes	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • Information about substance abuse treatment received pursuant to the required authorization would require further authorization before it could be re-disclosed. See 42 CFR § 2.32; RCW 70.96A.150(3). • FERPA permits disclosure of education 	<ul style="list-style-type: none"> • Other privacy requirements may limit or prevent disclosure.

Task/Function	Purpose of Request, Use or Disclosure	Authorization required? (Y/N)	Applicable legal rules or permissions	Comments
Disclosing Student Health Information				
			records to parents. 34 CFR § 99.31(a)(8) and (12).	
Disclosing sexual health information to parents	To discuss incident at school	Yes	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • Information about sexually transmitted diseases involving students over the age of 13 received pursuant to the required authorization would require further authorization before it could be re-disclosed. RCW 70.02.220. • FERPA permits disclosure of education records to parents. 34 CFR § 99.31(a)(8) and (12). 	<ul style="list-style-type: none"> • Other privacy requirements may limit or prevent disclosure.
Disclosing mental health information to parents	Discussing need for specialized education program	No	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • FERPA permits disclosure of education records to parents. 34 CFR § 99.31(a)(8) and (12). 	<ul style="list-style-type: none"> • With limited exceptions, RCW 71.34 does not apply to information a school holds in its records.
Disclosing information to researchers	To facilitate research	No, unless substance abuse or sexually transmitted disease information or	<ul style="list-style-type: none"> • HIPAA would not apply to this disclosure because the school is not a covered entity. 45 CFR § 164.500(a). • Washington’s “Baby” HIPAA would not apply because the school is not a health care provider. RCW 70.02.020. • Information about a student’s substance 	<ul style="list-style-type: none"> • Other privacy requirements may limit or prevent disclosure.

Task/Function	Purpose of Request, Use or Disclosure	Authorization required? (Y/N)	Applicable legal rules or permissions	Comments
Disclosing Student Health Information				
		such information allows identification of the individual students and parents	<p>abuse treatment or treatment for sexually transmitted diseases that a school received pursuant to the required authorization would require further authorization before it could be re-disclosed. See 42 CFR § 2.32; RCW 70.96A.150(3); 70.02.220.</p> <ul style="list-style-type: none"> • FERPA does not require consent for disclosures of information to organizations conducting studies to: develop, validate, or administer predictive tests, administer student aid programs; or improve instruction. However, the organization and the district must enter into agreement that provides that the study must be conducted so as not to permit personal identification of students and parents by individuals other than the organization and information no longer need for the study must be destroyed. 34 CFR § 99.31(a)(6). 	