

New York State Education Law §6438-d (Beau's law)

Herkimer County Community College

Effective Date: July 1, 2026

Notification of Parent, Guardian, or Emergency Contact for Alcohol and Controlled Substance Violations

Herkimer County Community College (HCCC) is committed to protecting student health and safety while respecting student privacy.

In accordance with **FERPA and New York State Education Law §6438-d (Beau's law)**, HCCC maintains the following procedure regarding when a parent, guardian, or designated emergency contact **may be notified** if a student **under the age of 21** is involved in certain alcohol- or controlled substance-related incidents.

Purpose

Effective July 1, 2026, and in accordance **with FERPA and New York State Education Law §6438-d**, this procedure establishes the framework under which HCCC may notify a student's parent(s), guardian(s), or designated emergency contact(s) when a student under the age of 21 is involved in certain alcohol- or controlled substance-related violations or incidents.

The purpose of this procedure is to:

- Promote student health and safety;
- Ensure transparency regarding notification practices; and
- Clarify how HCCC exercises its discretion under FERPA and applicable New York State law.

June 1, 2026

Scope

This procedure applies to:

- All students enrolled at HCCC who are under the age of 21; and
- Involved in alcohol and controlled substance-related incidents, whether occurring on or off campus, which are addressed through institutional processes.

Procedure Statement

HCCC maintains a procedure regarding the notification of a student's parent(s), guardian(s), or emergency contact(s) when a student under the age of 21 is involved in certain alcohol- or controlled substance-related violations or incidents.

Notification decisions are made by authorized institutional offices and are guided by considerations of student health, safety, and welfare, as well as compliance with applicable federal and state laws.

Incidents Subject to Notification

A parent, guardian, or emergency contact **may be notified** when a student under the age of 21 is involved in one or more of the following, including but not limited to:

- Violations of institutional rules or policies related to the use or possession of alcohol or a controlled substance;
- Violations of federal, state, or local laws involving alcohol or controlled substances; and
- Alcohol or controlled substance-related medical emergencies, including:
 - Hospitalization;
 - Overdose; or
 - Other situations presenting a serious risk to the student's health or safety.

Notification Authority and Process

- Notification determinations are made only by **designated institutional offices**, which may include the Dean of Students, Campus Safety, Counseling Center, or other authorized officials.
- Individual faculty or staff members **are not permitted** to contact parents, guardians, or emergency contacts unless specifically authorized.
- Notifications are made on a **case-by-case basis**, considering the totality of the circumstances.

FERPA and New York State Education Law Considerations

FERPA permits institutions of higher education to disclose PII without consent *if* there is an articulable and significant threat to the health or safety of the student or others, and the disclosure is to parties who need to know to respond.

New York State Education Law §6438-d (Beau's Law) requires transparency in NYS institutions of higher education on its policies involving notice to a parent, guardian, or emergency contact when a student under the age of 21 is involved in one or more of the following, including but not limited to:

- Violations of institutional rules or policies related to the use or possession of alcohol or a controlled substance;
- Violations of federal, state, or local laws involving alcohol or controlled substances; and
- Alcohol or controlled substance-related medical emergencies, including:
 - Hospitalization;
 - Overdose; or
 - Other situations presenting a serious risk to the student's health or safety.

HCCC exercises its authority under FERPA and New York State Education Law in a manner that limits disclosures to information reasonably necessary to address the circumstances presented.

Student Notification

When feasible and appropriate, students will be informed that a parent, guardian, or emergency contact has been or may be notified, unless such notification would compromise health or safety or interfere with an ongoing investigation.

Confidentiality and Privacy

All notifications under this procedure are handled with sensitivity and respect for student privacy. Information shared is limited to what is necessary to address health, safety, or welfare concerns. All disclosures made pursuant to this procedure are documented.

Training and Awareness

HCCC provides regular training to employees regarding:

- FERPA requirements and exceptions;
- This notification procedure; and
- Appropriate reporting and escalation procedures.

Questions

Questions regarding this procedure or its implementation should be directed to:

- **Michael Jory / Director of Campus Safety**
- **jorymj@herkimer.edu**
- **(315) 866-0300 x8336**

FERPA and New York State Education Law Considerations

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New York State Education Law §6438-d (Beau's Law) "Consistent with FERPA's above health and safety exception, this law requires institutions to publicly display their procedure for contacting a student's parent(s), guardian(s), or emergency contact(s) of a

violation by a student under the age of 21 for the use or possession of alcohol or a controlled substance.

Violations include but are not limited to:

- rule infractions
- violations of federal, state, or local law, or
- controlled substance or alcohol related hospitalizations or overdoses