

NEW YORK STATE EDUCATION LAW §6438-D (BEAU'S LAW)**NOTIFICATION OF PARENT, GUARDIAN, OR EMERGENCY CONTACT FOR ALCOHOL
AND CONTROLLED SUBSTANCE VIOLATIONS, POLICY ON**

Division: Student Affairs**Date Established:** 07/01/2026**Responsible Office:** Student Affairs**Date Posted to Library:** 07/01/2026

POLICY SUMMARY

In accordance with **FERPA and New York State Education Law §6438-d (Beau's law)**, Buffalo State maintains the following policy 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.

POLICY STATEMENT

SUNY Buffalo State University is committed to protecting student health and safety while respecting student privacy. Buffalo State maintains this policy 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.

SCOPE & PURPOSE

Effective July 1, 2026, and in accordance **with FERPA and New York State Education Law §6438-d**, this policy establishes the framework under which Buffalo State 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 policy is to:

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

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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 Student Affairs, the Dean of Students, University Police, Health Services, Counsel's Office, or other designated officials.
- Individual faculty or staff members **do not** 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 (Family Educational Rights and Privacy Act) permits institutions of higher education to disclose PII (Personally Identifiable Information) 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

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- Alcohol or controlled substance-related medical emergencies, including:
 - Hospitalization;
 - Overdose; or
 - Other situations presenting a serious risk to the student's health or safety.

Buffalo State 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 policy 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 policy are documented.

Training and Awareness

Buffalo State provides regular training to employees regarding:

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

RESPONSIBILITIES

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

OFFICE: Vice President for Student Affairs

EMAIL: VPSA@buffalostate.edu

PHONE: 716-878-4704

APPLICABILITY

This policy applies to:

- All students enrolled at Buffalo State 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.

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RELATED PROCEDURES

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) "Consistent with FERPA's above health and safety exception, this law requires institutions to publicly display their policy 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

APPENDIX/AUTHORITY

[NEW YORK STATE EDUCATION LAW §6438-D](#)

CONTACT INFORMATION

Office of the Vice President for Student Affairs Phone: (716) 878-4704
Cleveland Hall, Room 513
1300 Elmwood Avenue
Buffalo, NY 14222

Website: <http://studentaffairs.buffalostate.edu/>
E-mail: VP@buffalostate.edu