

5308 PUPIL HEALTH RECORDS

The school district shall maintain mandated pupil health records for each pupil pursuant to N.J.A.C. 6A:16-2.4. The district will document pupil health records using a form approved by the Commissioner of Education.

The maintenance and security of pupil health records shall be in accordance with N.J.A.C. 6A:32-7.4 and 6A:16-2.4. Pupil health records may be stored electronically or in paper format and shall be maintained separately from other pupil records in a secure location, accessible to authorized personnel while school is in session. The health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record upon graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.

The transfer of pupil health records when a pupil transfers to or from a school district shall be in accordance with N.J.A.C. 6A:16-7.1 et seq.

Any Board of Education employee with knowledge of, or access to, information that identifies a pupil as having HIV infection or AIDS; information obtained by the school's alcohol or drug program which would identify the pupil as an alcohol or drug user; or information provided by a secondary school pupil while participating in a school-based alcohol or drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent upon or illegally using a substance shall comply with restrictions for sharing such information in accordance with N.J.A.C. 6A:16-2.4(b) through (e) and as required by Federal and State statutes and regulations.

Access to and disclosure of information in a pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99 incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Student Records.

The school district shall provide access to the pupil's health record to licensed medical personnel not holding educational certification who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the pupil health records necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

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Nothing in N.J.A.C. 6A:16-2.4 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing to pupils or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of a pupil or other persons pursuant to N.J.A.C. 6A:32-7.5.

N.J.A.C. 6A:16-2.4 et seq.; 6A:32-7.4 et seq.; 6A:32-7.5 et seq.

Adopted: February 19, 2013
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R5308 PUPIL HEALTH RECORDS

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A. Mandated Pupil Health Records

1. The following mandated pupil health records shall be maintained:
 - a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and
 - b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.1, 4.3, and 4.4.
2. The district will document the findings of pupil health histories, health screenings, and required medical examinations that are relevant to school participation on the pupil's health record using a form approved by the Commissioner of Education.

B. Maintenance of Pupil Health Records

1. The school district shall maintain pupil health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
 - a. Pupil health records may be stored electronically or in paper format. When records are stored electronically, proper security and backup procedures shall be administered;
 - b. Pupil health records, whether stored on paper or electronically, shall be maintained separately from other pupil records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record; and
 - c. Pupil health records shall be accessible during the hours in which the school program is in operation.

C. Transferring Pupil Health Records

The school district shall ensure compliance with the requirements of N.J.A.C. 6A:32-7 – Student Records and Policy and Regulation 8330 (Pupil Records) when transferring pupil health records.

D. Restrictions for Sharing Pupil Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing that information as required by Federal and State statutes and regulations.
 - a. Information that identifies a pupil as having HIV infection or AIDS shall be shared only with prior written informed consent of the pupil age twelve or greater, or of the pupil's parent(s) or legal guardian(s) as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the pupil.
 - b. Information obtained by the school's alcohol and other drug program which would identify the pupil as an alcohol or other drug user may be disclosed only for those purposes and under those conditions permitted by 42 CFR Part 2.
 - c. Information provided by a secondary school pupil while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

E. Access to Pupil Health Records

1. Access to and disclosure of information in the pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7 et seq., Student Records.
2. The school district shall provide access to the pupil health records to licensed medical personnel, not holding educational certification who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.

3. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the pupil's health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

Nothing in N.J.A.C. 6A:16-2.4 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing to pupils or adults in connection with an emergency the information contained in the health record if the release is necessary to protect the immediate health or safety of the pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.

In Effect: February 19, 2013
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