

## R 5308 STUDENT HEALTH RECORDS

Student health records shall be maintained for each student pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4.

### A. Mandated Student Health Records

1. The district shall maintain for each student, pursuant to N.J.A.C. 6A:32, a student health record that includes the following mandated records:
  - 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 student health histories, health screenings, and required medical examinations that are relevant to school participation on the student's health record using a form approved by the Commissioner of Education.

### B. Maintenance and Security of Student Health Records

1. The school district shall maintain student health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
  - a. Student health records may be stored electronically or in paper format.
    - (1) When student health records are stored electronically, proper security and backup procedures shall be administered;
  - b. Student health records, whether stored on paper or electronically, shall be maintained in accordance with N.J.A.C. 6A:32-7.1(l).

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### Student Health Records

- (1) Student health records shall be maintained separately from other student records. Student health records also shall be maintained in accordance with the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination from the district, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

- c. Student health records shall be accessible during the hours in which the school program is in operation.

#### C. Transferring Student 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 when transferring student health records.

#### D. Restrictions for Sharing Student Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations.
  - a. Information that identifies a student as having HIV infection or AIDS shall be shared only with prior written informed consent of the student age twelve or greater, or of the student's parent 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 student.
  - b. Information obtained by the school's alcohol and other drug program that would identify the student 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 student while participating in a school-based alcohol or other drug counseling program that indicates a parent or other person residing in the student'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.

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E. Access to Student Health Records

1. Access to and disclosure of information in the student's health record shall meet the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and 34 CFR Part 99, as amended and supplemented, and N.J.A.C. 6A:32-7, Student Records.
2. The school district shall provide access to the student 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.
  - a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to ~~those~~ portions of the student'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.
3. Nothing in N.J.A.C. 6A:16-2.4 or in Policy 5308 and this Regulation shall be construed to prohibit school personnel from disclosing to students 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 the student or other persons pursuant to N.J.A.C. 6A:32-7.54.