

# REGULATION GUIDE

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**Student Pupil** Health Records

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## R 5308 **STUDENT PUPIL** HEALTH RECORDS

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

### A. Mandated **Student Pupil** Health Records

1. The following mandated **student 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 **student pupil** health histories, health screenings, and required medical examinations that are relevant to school participation on the **student's pupil's** health record using a form approved by the Commissioner of Education.

### B. Maintenance of **Student Pupil** Health Records

1. The school district shall maintain **student pupil** 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. When records are stored electronically, proper security and backup procedures shall be administered;**



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**ba.** **Student Pupil** health records, **whether stored on paper or electronically**, shall be maintained separately from other **student pupil** records, **until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record in a secure location; and**

**cb.** **Student Pupil** health records **kept in electronic form** shall be **both** accessible **during the hours in which the school program is in operation** **and secure according to N.J.A.C. 6A:32-7.4(d).**

~~b. Pupil health records shall be located in the school building or complex to which a pupil is assigned;~~

~~d. Pupil health records shall be accessible to authorized personnel while school is in session; and~~

~~e. The health and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record until such time as graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.~~

## C. Transferring **Student Pupil** Health Records

~~1.~~ The school district shall ensure **compliance with the requirements of N.J.A.C. 6A:32-7 – Student Records and Policy and Regulation 8330** **the following** when transferring **student pupil** health records:~~1.~~

~~a. Original mandated pupil health records that school districts are directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;~~



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b. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the nonpublic school to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;

c. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator or designee of the out-of-State school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;

d. Records that are transferred in duplicate form shall have their original maintained at the location of the sending school district; and

e. The Chief School Administrator or designee shall request all pupil health records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district.

## D. Restrictions for Sharing **Student 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 **student pupil** as having HIV infection or AIDS shall be shared only with prior written informed consent of the **student pupil** age twelve or greater, or of the **student's 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 **student pupil**.



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- b. Information obtained by the school's alcohol and other drug program which would identify the **student 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 **student pupil** while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the **student's 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 **Student Pupil** Health Records
1. Access to and disclosure of information in the **student's pupil's** health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, **and incorporated herein by reference, as amended and supplemented, 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 **student 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.
    - a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the **student's pupil's** health record **that are** 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:16-2.45 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing ~~information contained in the pupil's health record~~ to **students pupils** or adults in connection with an emergency **the information contained in the student health record**, if ~~such knowledge~~ **the release** is necessary to protect the immediate health or safety of the **student pupil** or other persons pursuant to N.J.A.C. 6A:32-7.4.

Adopted: 9 April 2009

**2<sup>nd</sup> Reading: 13 November 2014**

