

Students

SUBJECT: HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy interests of students. For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" and subject to FERPA because they are:

- a) Directly related to the student;
- b) Maintained by an education agency or institution, or a party acting for the agency or institution; and
- c) Not excluded from the definition of education records as treatment or sole-possession records, or on some other basis.

Health records and immunization records that are considered "education records" under FERPA are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy requirements. In addition, school nurse or other health records maintained on students receiving services under the Individuals with Disabilities Act (IDEA) are considered "education records" and also subject to that Act's confidentiality provisions. Consequently, these records are subject to FERPA and not the HIPAA Privacy Rule.

Parents have a right to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and counselors, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232(g)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
34 Code of Federal Regulation (CFR) Section 99
Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR) Part 136

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adopted July 13, 2009