

## 5308 STUDENT HEALTH RECORDS (M)

**[See POLICY ALERT No. 178, 204 and 230]**

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The school district shall maintain mandated student health records for each student pursuant to N.J.A.C. 6A: 16-2.4 and N.J.A.C. 6A:32-7. The district will document student health records using a form approved by the Commissioner of Education.

The maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4 and 6A: 16-2.4. Student health records, whether ~~may be~~ stored electronically or in paper format and shall be maintained in accordance with N.J.A.C. 6A:32-7 Policy 8330 Student Records. Student health records shall be ~~separately~~ from other student records. Student health records also shall be maintained according to the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination from the school 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. The school district of last enrollment, graduation, or permanent departure of the student shall keep, for 100 years, a mandated record of a student's health history and immunization in accordance with N.J.A.C. 6A:32-7.8(f). No additions shall be made to the record after graduation or permanent departure without prior written consent of the parent or adult student pursuant to N.J.A.C. 6A:32-7.8(e). ~~in a secure location accessible to authorized personnel while school is in session.~~ The health history and immunization record shall be removed from the student's health record and placed in the student's mandated record upon graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.

Medical records of transgender students will be maintained in such a manner as to protect the rights of the student.

The transfer of student health records when a student 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, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations: 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 student's parent/guardian 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; information obtained by the school's alcohol or drug program ~~which that~~ would



identify the student as an alcohol or drug user may be disclosed only for those purposes and under conditions permitted by 42 CFR Part 2; or information provided by a secondary school student while participating in a school-based alcohol or drug counseling program that indicates a parent, guardian, 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. ~~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 student'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 student'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 student 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 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:32-7.5.

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~~N.J.A.C. 6A:32-7.5.~~

N.J.S.A. 18A:40-3.4

~~N.J.A.C. 6A: 16-2.4 et seq.; 6A:32-7.1; 6A:32-7.4 et seq.;~~  
6A:32-7.5 et seq.; 6A:32-7.8

Cross reference: Policy 8330-

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