

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.

Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and counselors, consistent with law.

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

Re-Adopted: January 25, 2012