

5308 PUPIL HEALTH RECORDS

The school district shall maintain mandated pupil health records for each pupil pursuant to N.J.A.C. 6A:16-2.4 and as defined in N.J.A.C. 6A:16-2.4(a)1 and 2. The district will document pupil health records using a form approved by the Commissioner of Education.

The maintenance and security of pupil health records shall be in accordance with N.J.A.C. 6A:32-7.4 and 6A:16-2.4(c). Pupil health records shall be maintained separately from other pupil records in a secure location, located in the school building or complex to which the pupil is assigned, and accessible to authorized personnel while school is in session. 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.

The transfer of pupil health records when a pupil transfers to or from a school district shall be in accordance with N.J.A.C. 6A:16-2.4(d).

Any Board of Education employee with knowledge of, or access to, information that identifies a pupil as having HIV infection or AIDS; information obtained by the school's alcohol or drug program which would identify the pupil as an alcohol or drug user; or information provided by a secondary school pupil while participating in a school-based alcohol or drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent or illegally using a substance shall comply with restrictions for sharing such information in accordance with N.J.A.C. 6A:16-2.4(e) and as required by Federal and State statutes and regulations.

Access to and disclosure of information in a pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 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, Student Records.

The school district shall provide access to the pupil'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 pupil health records 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.

Nothing in N.J.A.C. 6A:16-2.5 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing information contained in the pupil's health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of a pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.

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

Adopted: 27 April 2009