

Retention of School Health Services Records

Maryland State School Health Services Guidelines

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STATE DEPARTMENT OF EDUCATION
DEPARTMENT OF HEALTH

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Foreword

There is a strong relationship between academic achievement and a child's physical, emotional, and mental health. This link is the foundation for providing school health services as an important component of a school program. School health services provide primary prevention aimed at keeping students in schools through appropriate screenings; early identification of children at risk for physical, emotional, and mental health concerns; and case management of students with chronic health concerns.

The Maryland Code Annotated, Education § 7-401 (Md. Code Ann., Educ. § 7-401) requires the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to jointly develop public standards and guidelines for school health programs. The following guidelines were developed in accordance with that requirement and are based on the expressed needs of the local school health services programs. The guidelines developed under Md. Code Ann., Educ. § 7-401 contain recommendations for minimum standards of care and current best practices for the health service topics addressed. It is intended that these guidelines will be used by the local education agencies (LEAs) in developing policies and procedures to assist local school health services programs in providing consistent and safe care to the students of Maryland. Specific laws and regulations that direct school nursing practice or other health services are identified in the guidelines.

To implement these guidelines, LEAs and local health departments should consult with MSDE and MDH who will:

- Assist and provide technical assistance to local school health services programs to support their efforts to plan for students with special health needs;
- Provide training to all appropriate school staff regarding issues related to students with special health needs including, but not limited to, planning, maintaining a safe environment, and medication administration issues; and
- Monitor the implementation of school health services programs including, but not limited to, programs and policies related to students with special health needs.

Section I: Introduction

PURPOSE

The purpose of this guideline is to:

1. Provide guidance to school health services staff regarding the minimum standards for the management of school health services record retention; and
2. Define the roles and responsibilities of the LEA, school administrator, and school health services staff in the management of school health records.

BACKGROUND

Legal Authority

In accordance with the Code of Maryland Regulations (COMAR) 13A.08.02.28, a system of information shall be maintained on students in accordance with regulations of the State Board of Education and the most current edition of the Maryland Student Records System Manual. These regulations set forth minimum standards for the management of school health services records, including specific responsibilities for the privacy, access, disclosure, and maintenance of student records.

Definition

School health services records are the student health records maintained to reflect the student's health information and services provided by school nurses and other school health services staff. The school health services records include but are not limited to:

- The student's health screening, evaluation, and immunizations;
- Student's health history;
- Student's health care plans (e.g., individualized health care plan (IHP) and/or emergency action plan (EAP));
- Summary of health component for a student with a disability (e.g., included on Individualized Educational Program (IEP) or Section 504 plan);
- Summary of health room interactions (e.g., accident, illness, treatment, administration of medication); and
- Results, recommendations, and follow-up relevant to the student's health.

Section II: Management Of School Health Services Records

Student health records maintained by the school nurse and/or other school health staff constitute education records pursuant to the Family Educational Rights and Privacy Act (FERPA) because the school nurse and health staff are acting on behalf of the school system in maintaining records. Therefore, all student and school health records are required to meet minimum standards for record retention. The timeframes in this guideline pertain to the record regardless of the format maintained by the LEA (e.g., paper, electronic).

Student Health Services Records	Retention Period	Comments
Accident report	Per local policy	
Behavioral assessment tool	Per local policy	To assess drug/alcohol abuse
Blood lead certificate	Five years or Age 21 (whichever is later)	MDH Blood Lead Testing Certificate (MDH form 6820)
Child abuse/neglect documentation	Age 21	Kept in separate folder
Daily health room sign in list	Per local policy (minimum of one year is recommended)	Note that the daily health room sign in list is not considered adequate documentation of individualized care.
Documentation of individual student health room visits	Age 21	Individualized care must be adequately documented.
Emergency card	Per local policy	Reviewed and updated annually
Head injury report	Age 21	Form shared with parents/guardians and school staff as appropriate
Health inventory/Record of physical examination	Age 21	SR 6
Health screening, examinations, and evaluations	Age 21	SR 5

Student Health Services Records	Retention Period	Comments
Immunization record	Five years or Age 21 (whichever is later)	MDH Immunization Certificate (Form 896) SR 5 Immunization supporting documents
Incident reports of internal concerns (facility safety issues, medication administration errors)	Age 21	Stored in a file separate from student records.
Injury report	Per local policy	
Licensed health care provider orders for medication/treatment intervention	Age 21	
Medical records from another source other than school	Age 21	
Nursing documentation for the health appraisal, nursing assessment, and health care plans for the management of a student with special health care needs	Age 21	Reviewed and updated annually
Nursing documentation of treatment intervention and/or medication administration record	Age 21	
Sole possession records	At the discretion of the record's creator	Personal memory aid not revealed to any other person except temporary substitute for the maker of the record
Records required for students with disabilities (see Maryland Student Records System Manual)	6 years	

In accordance with COMAR 13A.08.02.06B and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), individual student records not required or specifically regulated by other state or local regulations shall be destroyed when they no longer serve legitimate education purposes, subject to the following exceptions:

1. The LEA or educational institution may not destroy any student records if there is an outstanding request to inspect and review them under COMAR 13A.08.02.13;
2. Explanations placed in the education record under COMAR 13A.08.02.15 shall be maintained as provided in COMAR 13A.08.02.15D; and
3. The record of disclosure required under COMAR 13A.08.02.20 shall be maintained for as long as the education record to which it pertains is maintained.

Section III: Roles And Responsibilities

LOCAL EDUCATION AGENCY

Each LEA should develop and implement procedures ensuring a student's health record is collected and maintained accurately in accordance with this guideline. This includes the responsibility for maintaining the confidentiality of these student records in accordance with state and federal requirements and the appropriate retention and disposition procedures.

SCHOOL ADMINISTRATOR

The school administrator is responsible for adhering to the records retention and disposition procedures outlined in this guideline and procedures developed by the LEA.

SCHOOL HEALTH SERVICES STAFF

The school health services staff are responsible for adhering to the records retention and disposition procedures outlined in this guideline and procedures developed by the LEA.

Section IV: Glossary

Emergency Action Plan (EAP): A document that specifies the actions needed to manage a student's specific medical condition in the event of a medical emergency.

Family Educational Rights and Privacy Act (FERPA): (20 U.S.C. § 1232g; 34 CFR Part 99) A federal law that protects the privacy of student education records. The law applies to schools receiving federal funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their student's education records and these rights transfer to the student when the student reaches age 18 or attends a school beyond the high school level. FERPA permits school officials to disclose, without consent, education records, or personally identifiable information from education records to appropriate parties in connection with an emergency, if knowledge of that information is necessary to protect the health or safety of the student or other individuals (e.g., on a need-to-know basis).

Health Insurance Portability and Accountability Act (HIPAA): A national standard that protects sensitive patient health information from being disclosed without consent or knowledge.

Individualized Education Program (IEP): A written document required under the Individuals with Disabilities Education Act (IDEA) for students with disabilities that outlines their need for special education and related services.

Individualized health care plan (IHP): A type of nursing care plan developed by the school nurse utilizing data from a nursing appraisal/assessment that is specific to a student with a chronic health condition and designed to meet the student's unique health care needs.

Section 504 plan: An education plan developed by a school team for a student with a disability in accordance with Section 504 of the Rehabilitation Act of 1973 and 34 C.F.R. Part 104 that specifies services designed to meet the student's individual educational needs so the student can access a free and appropriate public education (FAPE).

Sole possession records: Records exempted from FERPA which are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records.

Section V: Resources/References

RESOURCES

Network for Public Health Law- School Nursing

<https://www.networkforphl.org/resources/topics/initiatives/school-nursing-project/>

A national initiative of the Robert Wood Johnson Foundation. Offers several factsheet resources about data sharing and data privacy in school nursing.

U.S. Department of Education, Protecting Student Privacy

<https://studentprivacy.ed.gov/>

The Student Privacy Policy Office (SPPO) is responsible for the administration and enforcement of federal laws related to the privacy of students' education records, and for the provision of technical assistance on student privacy issues for the broader education community.

REFERENCES

Maryland State Department of Education (2020). Maryland Student Records System Manual.

<https://www.marylandpublicschools.org/about/Documents/OCP/Publications/StudentRecordsSystemManual2020.pdf>

Student Records - Education and Health Records, COMAR 13A.08.02.28.

<https://dsd.maryland.gov/regulations/Pages/13A.08.02.28.aspx>

Student Records - Record of Disclosure Required to be Maintained, COMAR 13A.08.02.20.

<https://dsd.maryland.gov/regulations/Pages/13A.08.02.20.aspx>

Student Records - Retention, Disposition, and Destruction of Student Records, COMAR 13A.08.02.06.

<https://dsd.maryland.gov/regulations/Pages/13A.08.02.06.aspx>

Student Records - Right to a Hearing, COMAR 13A.08.02.15.

<https://dsd.maryland.gov/regulations/Pages/13A.08.02.15.aspx>

Student Records - Right to Review and Inspect Educational Records, COMAR 13A.08.02.13.

<https://dsd.maryland.gov/regulations/Pages/13A.08.02.13.aspx>

U.S. Department of Education and U.S. Department of Health and Human Services (2019). Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records.

<https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records>