

School Health Records— Privacy and Access



HIAC-h18

Under both Minnesota and federal law, school health records are considered **educational records**. This means that your and your child’s rights to privacy and access are governed by the same laws that apply to educational records.

What are school health records?

Schools are required to keep certain health-related records about all students, including immunization information, growth, vision testing and hearing screening findings, attendance data, preschool health screening, and TB screening information.

In addition, many schools provide medical services to individual students. These medical services generate health records. The medical services may or may not be part of an IEP and may be provided by the school nurse or other health care provider.

It is important to note that *any health records that the school receives from outside providers* will most likely be considered school health records. This means they may be reviewed by teachers and other school officials who have a legitimate educational interest in the information. It is also possible that teachers and officials from schools where your child seeks or intends to enroll may also have access to the information.

School health records are educational records

Since school health records are considered educational records, they are subject to the Minnesota Government Data Practices Act and the federal Family Educational Rights and Privacy Act (FERPA).¹ This means that schools are subject to different health record privacy and access requirements than doctors, clinics, or hospitals are. (See PACER fact sheets on “Access to Medical Records” and “Privacy of Medical Records” for information on these requirements.) Under these laws, the records are “private,” which means that the information is accessible to you but not to the public. It also means that you have the right to know what kind of information the school maintains about your child and you have the right to contest the accuracy of the information.

Right to Access

You and your child have the right to see the health records kept by the school. If you request copies of the records, the school must provide them to you. The school may require you to pay the actual costs of making, certifying, and compiling the copies. The school must give you access to the records immediately, if possible, or within ten days of the date of the request if immediate compliance is not possible. If the records are maintained in computer storage, they must be provided to you in electronic form if you request. There is no requirement, however, that the information be provided in a different program than that which is maintained by the school.

Parents of a disabled student may not be limited in the frequency with which the parent inspects the educational records of the disabled student. (Minn. Stat. Sec. 13.04, subd. 5).

¹ Under the Minnesota Government Data Practices Act, the parent and student (who is a minor and not attending a postsecondary program) share the rights of access to and privacy of educational records. FERPA gives rights only to the parent.