

FACT SHEET FOR SCHOOL ADMINISTRATORS, FAMILIES, AND SCHOOL PERSONNEL

SHARING STUDENT HEALTH INFORMATION

Background:

Challenges to health information sharing in schools does exist. While federal privacy laws govern confidentiality and information sharing, each state also has its own privacy laws that can lead to many interpretations, resulting in different policies and procedures at the school or district levels. The primary federal law that governs confidential information sharing by schools is the Family Educational Rights and Privacy Act (FERPA).^{1,2,5,6} The federal law that controls data privacy and sharing by healthcare professionals is the Health Insurance Portability and Accountability Act (HIPAA).^{1,3,4-6}

School nurses are well positioned to help schools comply with federal and state privacy laws because of their expertise in collecting and maintaining personal student health information in the educational setting. School nurses can work with parents/guardians, school administration, community healthcare providers, and state school nurse consultants to establish policies that protect information privacy and sharing among these key stakeholder groups. School nurses are aware of many existing resources to navigate the privacy issues of sharing student health information.¹⁻⁶

The school nurse knows the importance of establishing the trust that parents/guardians expect when identifying the best approach to information sharing for the care coordination for the student with a chronic health condition. Healthcare providers can have parents/guardians sign permission forms to share health information with school nurses. Sometimes it is the role of the school nurse to prompt this conversation. Bidirectional communication of health information between schools and healthcare providers offers the most beneficial care possible for the student, but takes planning, appropriate release-of-information signed forms, and collaboration of stakeholders.^{7,8}

Privacy-protected sharing of health information is an effective care coordination strategy for students with chronic health conditions. The family and healthcare provider should be informed of student progress toward identified health goals and should keep the school nurse informed of changes in treatment plans and variables beyond the medical issues that can directly impact harmonizing care coordination that flow from the student's home, community, and school.

School nurse-led student health information sharing:

- Discuss with school district administrator(s) and other key stakeholders about the importance of protecting student health information sharing, identify and address gaps in district policy and guidelines, and identify a consistent approach to obtaining the appropriate releases of health information.
- Communicate with parents/guardians the reason for providing their release for health information sharing and the positive impact it has in supporting the student's health and academic goals.
- Obtain the necessary release of health information through parent/guardian signatures to support information sharing with healthcare providers.
- Have discussions with local providers and find out what their policy is and share with them documentation of releases. When consent is not obtained, outline the school nurse's right to have certain treatment information without parent/guardian authorization.
- Collaborate with medical healthcare providers who are interested in bidirectional electronic systems of care and discuss how to advance this initiative.

Key terminology explained:

Information Sharing—Sharing of oral, written, or electronic health information with others within and outside of the school setting. Information sharing by school nurses is governed by federal law (e.g., FERPA, HIPAA), state laws, and school policies. Sharing information with other school staff is done only if there is a legitimate educational interest to do so. In this case, only information that is needed to protect the health and safety of a student should be shared.¹⁻⁶

Technology—Regarding information sharing, includes electronic student information systems, as well as Electronic Health Records (EHR). More elaborate electronic bidirectional systems are able to have direct encrypted connections between the school nurse and health providers. Some health institutions have been able to provide direct conduits between the school and healthcare provider offices.^{7,8}

FERPA (Family Educational Rights and Privacy Act)—According to the U.S. Department of Education, FERPA is a “federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents/guardians certain rights with respect to their children’s education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.”^{1,2,5,6}

HIPAA (Health Insurance Portability and Accountability Act of 1996)—HIPAA includes national standards for electronic healthcare transactions and code sets, unique health identifiers, and security. Also, there are federal privacy protections for individually identifiable health information⁴. According to the Joint Guidance on the Application of HIPAA and FERPA to Student Health Records (2008), “The HIPAA Privacy Rule only applies to health plans, healthcare clearinghouses, and those healthcare providers that transmit health information electronically in connection with certain administrative and financial transactions.”^{1,3-6}

References:

- ¹U.S. Department of Health and Human Services, U.S. Department of Education (2008). *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://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>
- ²U.S. Department of Education. (1974). *Family Education Rights and Privacy Act*. <https://www2.ed.gov/policy/gen/guid/fpco/ferpa.index.html>
- ³U.S. Department of Health and Human Services. (1996). *Health Information Portability and Accountability Act*. <https://www.hhs.gov/hipaa/index.html>
- ⁴U.S. Department of Health and Human Services.(11/25/08). *HIPAA questions*. <https://www.hhs.gov/hipaa/for-professionals/faq/517/does-hipaa-allow-a-health-care-provider-to-disclose-information-to-a-school-nurse/index.html>
- ⁵The Network for Public Health Law. (2019). *Data privacy in school nursing: Navigating the complex landscape of data privacy laws (Part I)*. <https://www.networkforphl.org/wp-content/uploads/2019/12/Data-Privacy-in-School-Nursing-Navigating-the-Complex-Landscape-of-Data-Privacy-Laws-Part-1-1.pdf>
- ⁶The Network for Public Health Law. (2020). *Data privacy in school nursing: Navigating the complex landscape of data privacy laws (Part II)*. <https://www.networkforphl.org/wp-content/uploads/2020/01/Data-Privacy-in-School-Nursing-Part-II-1-23-2020.pdf>
- ⁷The Office of the National Coordinator of Health Information Technology. (2016). *Extending EMR access to school nurses study*. https://www.healthit.gov/sites/default/files/wi_brightspot_08022016_508compliance.pdf
- ⁸National Association of School Nurses. (2019). *Electronic health records* (Position Statement). <https://www.nasn.org/advocacy/professional-practice-documents/position-statements/ps-electronic-health-records>