



California
Department of
Health Services

SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

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TO: District Superintendents / District Nurses
School Principals / School Nurses

FROM: Howard Backer, M.D., M.P.H.
Chief, Immunization Branch

SUBJECT: FERPA and Immunization Records

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects privacy interests of parents in their children's "education records." The purpose of this letter is to explain how student health information, including immunization records, are considered "education records" under FERPA and to clarify what health information may be disclosed to state and local health officials.

K-12 student health records, including immunization records and records maintained by a school nurse, would generally be "education records" subject to FERPA because they are 1) directly related to a student; 2) maintained by an educational agency or institution, or a party acting for the agency or institution; and 3) not excluded from the definition as treatment or sole possession records, or on some other basis. 20 U.S.C. §1232g(a)(4)(a).

However, FERPA does not prohibit an educational agency or institution from disclosing *non-personally identifiable information* to state and local health officials. Rather, FERPA specifically prohibits the disclosure of *personally identifiable information* from education records without the prior written consent of parents and students under 34 C.F.R § 99.30. The FERPA regulations at 34 C.F.R. § 99.3 define personally identifiable information to include:

- (a) the student's name;
- (b) the name of the student's parent or other family member;
- (c) the address of the student or student's family;
- (d) a personal identifier, such as the student's social security number or student number;
- (e) a list of personal characteristics that would make the student's identity easily traceable; or

(f) other information that would make the student's identity easily traceable.

It is permissible to disclose *non-personally identifiable information* contained on the California School Immunization Record (CSIR or "blue card") to state and local health officials for the assessment of immunization histories. To comply, *personally identifiable information*, such as the student name, the name of parent or guardian, and the address and telephone number, should be masked or removed from copies of the "blue card" provided to state and local health officials. Information about the student's date of birth and vaccination dates remain vitally important for the accurate assessment of immunization history and may be disclosed.

If you have any concerns, please contact your Local Health Department Immunization Coordinator. We appreciate your help to further our common goal of protecting California's children from vaccine-preventable diseases.

cc: Local Health Department Immunization Coordinators
Immunization Branch Field Representatives