

PUPIL RECORDS

The board of education shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of pupil records.

The chief school administrator shall be responsible for the security of pupil records maintained in the school district. He/she shall formulate and the board shall review administrative procedures to guarantee the safety and security of all pupil records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by law, i.e., within 10 days of the request but prior to any review or hearing conducted in accordance with state board of education regulations.

Pupil records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the board of education shall authorize by resolution at a regular public meeting in order to promote the educational welfare of the pupil. Records so authorized must comply with code standards as to relevance and objectivity.

The board of education shall report annually at a public meeting a description of the types of pupil records it has authorized certified school personnel to collect and maintain.

N.J.A.C. 6A:32-7

(a) 1. Mandated pupil records include:

- a. Personal data which identify each pupil enrolled in the school district. These data shall include the pupil's name, address, date of birth, name of parent(s), citizenship, telephone number, standardized assessment, test answer sheet (protocol), grades, classes attended, grade level completed, year completed, attendance, and sex of pupil. May not include religious or political affiliation of pupil and/or parent unless requested to do so in writing by the parent or adult pupil. Pupils may not be labeled illegitimate;
- b. Records of daily attendance;
- c. Description of pupil progress according to the system of pupil evaluation used in the district; also record grade levels or other program assignments;
- d. History and status of physical health compiled in accordance with state regulations; including results of physical examination by qualified district employees;
- e. Records pursuant to rules and regulations regarding education of educationally handicapped pupils;
- f. All other records required by State Board of Education;

Pupil records shall contain only such information as is relevant to the education of the pupil, and is objectively based on the personal observations or knowledge of the originator of the record.

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All anecdotal information and assessment reports collected on a pupil shall be dated and signed by the individual who originated the data.

Parents/guardians and adult pupils shall be notified annually in writing of their rights in regard to pupil records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult pupil, if possible. When the parent or adult pupil's dominant language is not English, or the parent/adult pupil is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review pupil records should be denied the person whose rights have been terminated;
- D. Parents/guardians or adult pupils have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the pupil's present educational situation or otherwise improperly contained in the pupil's record. Parents/adult pupils have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the pupil's records;

The chief school administrator shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

Student Information Directories

The district shall compile, publicize and make available a "student information directory" defined in the administrative code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The district must notify parents/guardians and adult pupils annually in writing of their rights in regard to pupil participation in educational, occupational and military recruitment programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians or adult pupil.
- B. A 10-day period in which to submit a written statement to the chief school administrator prohibiting the district from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to statute.

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- C. Copies of applicable state and federal laws and local policies will be made available on request.
- D. A 10-day period to submit a written statement to the Chief School Administrator excluding information from any school directory for official use.

District Review of Pupil Records

The chief school administrator shall require all permitted pupil records of pupils currently enrolled in the regular educational program to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the pupil or educational situation.

Such information shall be destroyed and shall not be recorded elsewhere nor shall a record of such deletion be made.

Such data may not be removed from the record of a handicapped pupil without prior parental notice.

Records of Classified Pupils

All records of disabled pupils shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled pupils on whose behalf the board of education must take public action. Motions concerning disabled pupils shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6A:32-7.

Parents/adult pupils or designees shall be permitted to inspect and review the contents of the pupil's record maintained by the district without unnecessary delay and before any meeting regarding the pupil's IEP. Any consent required for disabled pupils under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Pupil Records

- A. The chief school administrator shall request records of a newly enrolled pupil from the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code.
- B. The chief school administrator shall forward mandated pupil records as soon as possible upon receipt of the request from the chief school administrator of the district to which the pupil has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the pupil's parents/guardians informed the district of the transfer.

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Permitted Access to Pupil Records

A nonadult pupil may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose pupil records to nonadult pupils or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the pupil or other persons.

A parent/guardian or adult pupil shall either have access to or be specifically informed about only that portion of another pupil's record that contains information about his/her own child or himself/herself. A pupil record may be withheld from a parent of a pupil under 18 or from an adult pupil only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

The board shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code.

Only authorized organizations, agencies or persons as defined in code shall have access to pupil records.

Particular attention shall be paid to the development of procedures whereby pupil records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized pupil records that will limit access to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record and to the extent necessary to record data and conduct routine clerical tasks.

The district will make a charge for copies.

School personnel are not prohibited from disclosing information in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with this policy all individuals shall adhere to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions of Access

No pupil record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record. Those from outside the school whose access requires consent of parents/adult pupils must submit the request in writing, together with any required authorization, to the chief school administrator/designee. District regulation shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

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Retention and Destruction of Records

The chief school administrator shall develop regulations in accordance with the administrative code concerning retention and destruction of pupil records. No additions may be made to the record after the graduation or permanent departure of a pupil without the prior written consent of the parent/adult pupil.

The New Jersey district of last enrollment must keep in perpetuity: name, date of birth, gender, citizenship, address, phone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, years completed, and years of attendance.

Liability

Liability shall not be attached to any member, officer or employee of the board of education permitting access or furnishing pupil records in accordance with these rules and regulations. It shall be the responsibility of the chief school administrator to keep abreast of all changes in state and federal law and regulation concerning pupil records.

Adopted: April 14, 2003

Revised: November 13, 2006

Revised: March 16, 2009

Revised: November 11, 2013

Legal References:

<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation, maintenance, and retention, security and access; regulations; nonliability
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-19.1	Military recruiters; access to schools and student information directories
<u>N.J.S.A.</u> 18A:36-35	Disclosure of certain student information on Internet prohibited without parental consent
<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A.</u> 18A:40-19	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A.</u> 26:5C-7 through -14	Acquired Immune Deficiency Syndrome
<u>N.J.S.A.</u> 47:1A-1 <u>et seq.</u>	Examination and copies of public records ("Open Public Records Act")
<u>N.J.S.A.</u> 47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.S.A.</u> 52:17B-9.8a through -9.8c	Marking of missing child's school

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	record
<u>N.J.A.C. 6A:8-4.2</u>	Documentation of student achievement
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</u>	
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-1.4, -1.5, -2.2, -3.2, -5.4, -6.5, -10.2</u>	
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-2.1</u>	Definitions
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>N.J.A.C. 6A:32-8.1</u>	School register
<u>N.J.A.C. 6A:32-14.1</u>	Review of mandated programs and services
<u>N.J.A.C. 8:61-1.1</u>	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C. 15:3-2</u>	Records retention

20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act

42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism
Prevention Treatment and Rehabilitation Act of 1980

42 CFR Part II

Owasso Independent School District No. I-001 v. Falvo, 534 U.S. (2002)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301
et seq.