

## STUDENT RECORDS

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the District's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

### Definitions

For purposes of this Policy:

1. "Adult student" means a student who is at least eighteen years of age, or is attending an institution of postsecondary education, and is an emancipated minor.
2. "Parent" means the natural or adoptive parent, the legal guardian, surrogate parent, or a person acting in place of a parent in accordance with applicable State or Federal law or regulation. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights with respect to access to student records. "Parent" shall also include, where applicable and appropriate, the adult student. A foster parent may act as a parent under the provision of N.J.A.C. 6A:32-1.1 et seq. if the parent's authority to make educational decisions on the pupil's behalf has been terminated by a court of appropriate jurisdiction.

### General Considerations

The Board will conform in all respects to the requirements of State and Federal law and regulations concerning the gathering, maintaining, securing, disclosing, allowing access to and destruction of student records.

The Superintendent or his/her designee will be responsible for the security of student records maintained within the District. He/she shall formulate, and the Board shall review and approve regulations and/or procedures to guarantee the safety and security of all student records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by applicable law or regulation.

Student records shall include all those mandated by the New Jersey Administrative Code or State Statutes, Congressional Federal Register or Federal law, or authorized by administrative directives, and such permitted records as the Board will authorize by resolution at a regular public meeting in order to promote the educational welfare of the student. Any additional records so authorized by the Board must comply with applicable laws or regulations as to relevance and objectivity.

Student records shall contain only such information as is relevant to the education of the student, and is objectively based on the personal observations or knowledge of certified school personnel who originate the record. All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

Nothing in this Policy shall be construed to prohibit certified school personnel, at their discretion, from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with the provisions of the Administrative Code.

### **Rights of Parents/Guardians and Adult Students**

The District will notify parents and adult students annually in writing of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the District will 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 student records should be denied to the person whose rights have been terminated; and
- D. Parents/guardians or adult students 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 student's present educational situation or otherwise improperly contained in the student's record. Unless applicable State or Federal laws or regulations provide otherwise, parents/guardians and adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure, as well as the right to challenge the District's granting or denial of access to the student's records.

**Student Information Directory**

In accordance with applicable provisions of the New Jersey Administrative Code, the District will compile, publicize and make available a "student information directory" as defined in the New Jersey Administrative Code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The District will notify parents/guardians and adult students annually in writing of their rights in regard to student 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 student;
- B. A 10 day period in which to submit a written statement to the Superintendent or his/her designee 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;
- C. A 10-day period to submit a written statement to the Superintendent excluding information from any school directory for official use; and
- D. Copies of applicable state and federal laws and local policies will be made available on request.

**School Contact Directory**

The District will compile and maintain, but need not publish, a school contact directory for official use, which is separate and distinct from the student information directory. School personnel will provide information from the school contact directory for official use only to judicial, law enforcement, and medical personnel who are currently providing services to the student in question. In order for a parent/guardian or adult student to exclude any information from the school contact directory for official use, the parent or adult student shall notify the Superintendent or his/her designee in writing on a form prescribed by the Commissioner of Education.

**Records of Classified Students**

All records of disabled students will be maintained in accordance with applicable State and Federal law and regulation, as well as established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the Board must take public action. Motions concerning disabled students shall be anonymous and refer to this confidential file.

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

### **District Review of Student Records**

The Superintendent or his/her designee shall require all permitted student records of students 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 student 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 disabled student without prior parental notice.

### **Maintenance and Security of Student Records**

The Superintendent or his/her designee will be responsible for the security of student records maintained in the District. Records for each individual student will be maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.

Student health records will be maintained and located in a locked cabinet or room in the school building where the student is assigned. Records kept in electronic form shall be both accessible and secure. Student health records shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

Security blocks will be installed for records stored in any computer system to protect against any security violations of the records stored therein. To guard against the loss of student records, the District will maintain backup versions of student records.

The District internet website will not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

**Access to Student Records**

The District shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to those authorized organizations, agencies, and persons under the conditions permitted by Federal and State statute and regulations. The District will charge a reasonable fee for reproduction, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-2, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or under rules and regulations regarding students with disabilities. Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

As noted above, nothing in this Policy shall be construed to prohibit school personnel from disclosing information contained 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 providing access to student records in accordance with N.J.A.C. 6A:32-7.5, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

**Conditions for Access to Student Records**

All authorized organizations, agencies, and persons with access to student records shall have access to the records of a student subject to the following conditions:

1. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.
2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit their request in writing together with any required authorization to the Superintendent or designee.
3. The Building Principal or his/her designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.
4. Unless otherwise judicially instructed, the District shall, prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a Court Order, give the parent or adult student at least three days' notice of the name of the requesting agency and the

specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the Court Order shall be disclosed.

5. A record may be withheld from a parent/guardian of a student under eighteen or from an adult student 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. When the District has or obtains evidence of such Court Order, the parent/guardian or adult student shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

### **Rights of Appeal for Parents/Guardians and Adult Students**

Student records are subject to challenge by parents/guardians and adult students on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons pursuant to the New Jersey Administrative Code.

In order for a parent/guardian or adult student to request a change to the student record or to request a stay of disclosure pending final determination of the challenged procedure, the following procedures shall be followed:

1. A parent/guardian or adult student shall notify the Superintendent or Building Principal in writing of the specific issues relating to the student's record.
2. The Building Principal will, within ten (10) days of the receipt of the request, meet with the parent(s) or legal guardian(s) or adult student to review the issues and allegations raised and the relief sought.
3. If the relief sought by the parent/guardian or adult student is not granted at the review meeting, the parent(s) or legal guardian(s) or adult student will be notified of his/her right to appeal the matter to the Board of Education or the Commissioner of Education in writing within ten days of the meeting.
4. An appeal to the Board will be promptly heard in Executive session, unless the parent/guardian or adult student requests that it take place in public session, and the Board will issue a written determination within twenty days of the receipt of the written request for appeal to the Board. The Board determination will include notification of the right of the parent/guardian or adult student to appeal to the Commissioner.
5. At all stages of the appeal process the parent/guardian or adult student will be afforded a full and fair opportunity to present evidence relevant to the issue.

6. A record of the appeal proceedings and outcome will be included in the student file and copies will be made available to the parent/guardian or adult student.

Appeals relating to student records for students with disabilities shall be processed in accordance with the applicable provisions of the New Jersey Administrative Code, as well as requirements of 1 through 6 above.

Regardless of the outcome of any appeal, a parent/guardian or adult student shall be permitted to place a statement in the student's record commenting upon the information in the student's record or setting forth any reasons for disagreement with the decision of the agency. Such statements shall be maintained as part of the student's record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

### **Transfer of Student Records**

The Superintendent, Building Principal or his/her designee will request records of a newly enrolled student 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.

The Superintendent, Building Principal or his/her designee will forward mandated student records as soon as possible upon receipt of the request from the Superintendent or designee of the District to which the student has transferred, but in any case within the time limit prescribed by the Administrative Code.

### **Retention and Disposal of Student Records**

A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 *et seq.*, while the student is enrolled in the District.

The District will retain student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

Student records of currently enrolled pupils, other than those described below, may be disposed of after the information is no longer necessary to provide educational services to a pupil. Such disposition shall be accomplished only after written parental or adult pupil notification and written parental or adult pupil permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful.

Upon graduation or permanent departure of a pupil from the school district, the parent/guardian or adult pupil will be notified in writing that a copy of the entire pupil's record will be provided to them upon request. Information in student records -- other than

the type described below -- may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 *et seq.* Such disposition shall be accomplished only after written parental or adult pupil notification and written parental or pupil permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful and prior written authorization has been obtained from the New Jersey Department of State, Records Committee.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the pupil from the school district will keep for one hundred (100) years a mandated record of a pupil's name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult pupil.

Dated: \_\_\_\_\_ June 24, 1997  
 Reviewed/Revised: \_\_\_\_\_ December 21, 2009  
 Reviewed/Revised: \_\_\_\_\_ February 24, 2014

### Legal References:

N.J.S.A. 2A:4A-60 <i>et al.</i>	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:36-19.1	Military recruiters; access to schools and student information directories
N.J.S.A. 18A:36-35	Disclosure of certain student information on Internet prohibited without parental consent
N.J.S.A. 18A:40-4	Examination for physical defects and screening of hearing of students; health records
N.J.S.A. 18A:40-19	Records and reports of tuberculosis testing; disposition; inspection
N.J.S.A. 26:5C-7 through -14	Acquired Immune Deficiency Syndrome
N.J.S.A. 47:1A-1 <i>et seq.</i>	Examination and copies of public records ("Open Public Records Act")
N.J.S.A. 47:3-15 <i>et seq.</i>	Destruction of Public Records Law
N.J.S.A. 52:17B-9.8a through -9.8c	Marking of missing child's school record
N.J.A.C. 6A:8-4.2	Documentation of student achievement
N.J.A.C. 6A:14-1.1 <i>et seq.</i>	Special Education

See particularly:

N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9

N.J.A.C. 6A:16-1.1 *et seq.* Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2

N.J.A.C. 6A:30-1.1 *et seq.* Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-2.1 Definitions

N.J.A.C. 6A:32-7.1 *et seq.* Student records

N.J.A.C. 6A:32-8.1 School register

N.J.A.C. 6A:32-14.1 Review of mandated programs and services

N.J.A.C. 8:61-1.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

N.J.A.C. 15:3-2 State records manual

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. 001 v. Falvo, 534 U.S. (2002)

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

Manual for the Evaluation of Local School Districts

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

### **Cross References:**

1110	Media
1120	Board of education meetings
3543	Office services
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5113	Absences and excuses
5124	Reporting to parents/guardians
5131	Conduct/discipline
5131.6	Drugs, alcohol, tobacco (substance abuse)
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5141.3	Health examinations and immunizations
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