CHESTER BOARD OF EDUCATION **FILE CODE: 5125**
Chester, New Jersey

Regulation

STUDENT RECORDS

In accordance with the policy of the board of Education and in conformance with the requirements of State and Federal legislation, the following district rules are promulgated for the handling of individual student records.

Definitions

For the purposes of this regulation:

"Student records" shall be defined as any information concerning an individual student gathered from within or without this school system and maintained within the school system regardless of the form or place so employed. i.e.: in handwriting, printing, on film, on tape, etc. Student records shall not include:

A. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute. (For the purpose of this definition, a 'substitute' means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.)

B. Records of a law enforcement unit of the school district which are maintained apart from the records described above, maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction. Provided, that education records maintained by the district are not disclosed to the personnel of the law enforcement unit.

C. Records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; created, maintained, or used only in connection with the provision of treatment to the student; and not disclosed to anyone other than individuals providing the treatments. Provided, that the records can be personally reviewed, by a physician or other appropriate professional of the student's choice. (For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction.)

1. “Parent means the natural parent(s) or legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural parents of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
2. “Parent surrogate(s)" means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6:28-2.2 to act on behalf of a student whose parents are not available to assure the student's educational rights.
3. "Personally identifiable" means that the data or information includes:

    a. The name of a student, the student's parent or other family member
    b. The address of the student
    c. A personal identifier such as the student's social security number or student number
    d. A list of personal characteristics which would make the student's identity easily traceable or
    e. Other information which would make the student’s identity easily traceable

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D. "Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing or by electronic means or by any other means to any party.

E. "Access" means the right to view, to make notes, and/or have a reproduction of the student record made.

F. "Student" means a person who is or was enrolled in a public school

G. "Adult Student" means a person who is or was enrolled in a public school and who is at least 18 years of age or an emancipated minor.

H. "Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, the most recent previous educational institution attended by the student and other similar information.

Mandated Records

In accordance with State mandate, the following records must be maintained:

A. Personal date which identified each student enrolled in the district, including name, address, date of birth, name of parents and/or guardians, citizenship, and sex; but may not include data which indicated religious or political affiliation of the student or parents (unless requested in writing by the parent or adult student) or the labeling of the student as illegitimate.

B. Record of daily attendance

C. Descriptions of student progress including courses taken and evaluations made. Grade level (or other program) assignment must also be recorded.

D. Health history and status records compiled in accordance with State regulations including results of any physical examinations given by qualified district employees.

E. All other records required to be kept by State regulations including records of children referred to the child study team.

Permitted Records

In accordance with a policy of the board of Education, permission has also been granted to the administration to compile the following data regarding individual students:

A. Observations and ratings of individual students by professional staff members acting within their sphere of competency.

B. Information obtained from professionally acceptable standard instruments of measurement such as: interest inventories, achievement tests, standardized intelligence tests.

C. Verified reports of serious or recurrent behavior patterns

No other record may be accumulated unless the collection of such facts has been authorized by the board.

A. A report shall be made annually at a public meeting of the permitted student records that have been authorized to be collected.

Form of Records

Anecdotal information collected about a student whether part of the "mandated" or "permitted" student

record, shall be authenticated information which has been dated and signed by the individual who originated the data. Hearsay information is not considered to be authenticated by this definition.

Maintenance of Records

It shall be the responsibility of the building principal to assure the physical security of all student records, devise procedures for assuring access is limited to authorized persons only and to generally maintain student records. Student health records shall be maintained by the nurse in each building. Records of handicapped students shall be maintained by the child study team coordinator.

All records for each individual student shall be maintained together in the student's school of attendance, provided that records for an individual student may be maintained in different location if there is a notation in the student's central file as to which records are maintained by the district and where all records may be found.

Student records shall be reviewed annually by the person(s) designated responsible for their maintenance in order to evaluate the educational relevance of the material contained therein. Each reviewer shall delete from the records data detrimental to the student and no longer descriptive of the student or education situation. Such data shall be destroyed and not be recorded elsewhere nor shall a record of such deletion be made.

Retention and Destruction of Student Records

A. A student 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 school district.
B. Mandated student records of currently enrolled students, other than that described in letter C below, may be destroyed after the information is no longer necessary to provide educational services to a student. Such destruction shall be accomplished only after written parental or adult student notification and written parental or adult student permission as been granted or after reasonable attempts of such notification and reasonable attempts to secure parental permission have been unsuccessful.

C. Upon graduation or permanent departure of a student from the school system:

    1. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.
    2. Information in student records, other than that described below may be destroyed, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such destruction shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental permission have been unsuccessful.
    3. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
    4. The New Jersey public school district of last enrollment shall be responsible for maintaining a student's record upon graduation or permanent departure of the student from the school district and shall keep in perpetuity a permanent record of a student's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, name of parent(s) and citizenship status.

Access to Records

Only authorized individuals, organizations or agencies shall be granted access to individual student records, except directory information, under any conditions. It may be presumed that the parent or eligible student has the authority to give consent unless the district has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides o the contrary. Where authorized individuals are other than the student, his/her parent, the adult student or professional staff member of the district, or are organizations or agencies, access shall be limited to those records requisite to the specific purpose to be served by such access. Those so authorized and the limiting conditions are:

A. The parent of a student and the student who has the written permission of such parent or the student granted access to his/her own records at the discretion of school authorities or the student who has reached the age of 16 and will terminate his/her education by discontinuance or by secondary school graduation.

B. The adult student and the parent or such student who has his/her written permission, except that the parent shall have access without the consent of the adult student if the student is financially dependent on the parent and enrolled in the public school.

C. Certified staff members who have assigned responsibility for the educational program of the student.

D. Appropriate persons in case of emergency may be provided personally identifiable information from a student's records if such knowledge is necessary to protect the health or safety of the student or other person, but in consideration of the following conditions:

1. The seriousness of the threat to the health or safety of the student or other individuals

2. The need for the information to meet the emergency.

3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency

E. Accrediting organizations in order to carry out their accrediting functions.

F. The parent of a student about whom information is contained on another student's record shall have access only to the specific information on the requested student.

G. Officials of other district boards of education within the State of New Jersey in which the student is placed, registered or intends to enroll, subject to the following conditions:

1. Mandated student records shall be forwarded to the receiving district with written notification to the parent or adult student.
2. Permitted records shall be forwarded to the receiving district only with the written consent of the parent or adult student except where a formal sending/receiving relationship exists between the school districts.
3. All records to be forwarded shall be sent to the chief school administrator of schools or his or her designee of the school district to which the student has transferred within to days after the transfer has been verified by the requesting school district.
4. The chief school administrator or his or her designee shall request all student records in writing from the school district of last attendance within two weeks from the date that the student enrolls in the new district.
5. Proper identification, such as a certified copy of the student's birth certificate, shall be requested at the time or enrollment in a new school district.

H. Organizations, agencies or persons outside of the school provided they have the written consent of the parent or adult student, except that these organizations shall not transfer student information to a third party without consent of the parent or adult student. organizations, agencies or persons outside the school upon the presentation of a court order provided that the parent or the adult student has been given at least three days notice (in writing, if practicable) of such order enumerating the requesting agency and the specific records requested. Only those records related to the specific purpose of the court shall be disclosed.

I. Officers and employees of a State agency responsible for protective services to children engaged in investigations pursuant to N.J.S.A 9:6-8.40 as to student referred to that agency as a minor requiring investigation of supervision by that agency.

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J. The Commissioner of Education and member of the New Jersey Department of Education staff who have assigned responsibility necessitating the review of such records.

K. Researchers from State or Federal government agencies, educational institutions and the like who will be using the records under strict conditions of anonymity and confidentiality.

L. The board of education, in order to fulfill its legal responsibilities as a board, has access through the chief school administrator of Schools or his or her designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student.

Written Consent

The written consent required by paragraph G of this regulation must be signed and dated by the parent or the eligible student giving the consent and shall include:

A. A specification of the records to be disclosed.

B. The purpose or purposes of the disclosure and

C. The party or class or parties to whom the disclosure may be made.

When a disclosure is made pursuant to paragraph G, the district shall, upon request, provide a copy of the record which is disclosed to the parent or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

Viewing **of** Records

Authorized individuals, organizations and agencies as defined in *" G* shall have access to the records of a student subject to the following procedure:

A. Authorized individuals, organizations, agencies and persons from outside the school whose access required the consent of parents or adult students must submit their request is writing, together with any required authorization, to the chief school administrator of Schools or his or her designee. Access to eligible persons must be granted within 10 days from the date of the request but prior to any review or hearing conducted in accordance with state board of education regulations.

B. No student record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record.

C. The building principal shall be present during the period of inspection in order to be available for the interpretation of the records and to prevent the alteration, damage or loss of the record itself.

D. All individuals, organizations or agencies desiring access to the records of a student shall be required to sign a form which shall be kept permanently with the records and which shall specify the name(s) of the person(s) granted access, the reason access f\was granted, the date of inspection and the records studied.

E. Upon request the principal shall provide for the interpretation of the student records in the dominant language of the authorized viewer.

F. A record may be withheld from a parent of a student under 18 or from an adult student only when the local education agency 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 local education agency has or obtains evidence of such court order, the parent of 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.

G. If the chief school administrator is convinced that the risk noted in "F" above is of such high degree, the parent or adult student shall be notified within five days that access to the record as been denied, and

that the requester has the right to a review by the commissioner of education in accordance with state rules.

H. Unless otherwise judicially instructed, the district board of education 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 day's 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.

Reproduction of Records

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer charged 10 cents per page.

Challenge to Records

A. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to individuals, organizations or agencies; or violation of the privacy or other rights of the student. The parent or adult student has the following rights:

1. To seek expungement or correction of inaccurate, misleading, irrelevant, violative, invalid or otherwise improper information contained in the student record.
2. To insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records.
3. To request an immediate stay of disclosure pending final determination of the challenge procedure.

B. To appeal, a parent of adult student must notify the chief school administrator, in writing, or the specific issues relating to the student record;

1. Within ten days of notification, the chief school administrator or designee shall meet with the parent or adult student to review the issues set forth in the appeal.
2. The chief school administrator shall decide whether to amend the education records or the student in accordance with the request within a reasonable period of time following the meeting.
3. If the chief school administrator decides to refuse to amend the education records of the student is accordance with the request, he/she shall so inform the parent of the student or the eligible student of the refusal and advise the parent or the eligible student of his/her right to a hearing.

C. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision to the board of education or the commissioner of education within ten days. If appeal is made to the board, the hearing shall be conducted as follows:

1. The hearing shall be held within a reasonable period of time after the board has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonable in advance of the hearing.
2. The hearing shall be conducted by any party, including an official of the board that does not have a direct interest in the outcome of the hearing.
3. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
4. The board shall make its decision in writing within a 20-day period of receipt of the appeal.
5. The decision of the board shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

D. If, as a result of the hearing, the board decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the students accordingly and so inform the parent of the student or the eligible students in writing.

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E. If, as a result of the hearing, the board decides that the information is not accurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the board. Any explanation placed in the education records of the student under this section shall:

1. Be maintained by the board as part of the education records of the student as long as the record or contested portion thereof is maintained by the board.
2. If the education records of the student or the contested portion thereof is disclosed by the district to any party, the explanation shall also be disclosed to that party.
3. The decision of the local board may be appealed to the commissioner pursuant to state law and code.

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