

Regulation

STUDENT RECORDS

A. Definitions

1. "Access" means the right to view, to make notes, and/or to have a reproduction of the pupil record made.
2. "Parent" means the natural or adoptive parent, custodial or non-custodial, whose parental rights have not been terminated by a court of competent jurisdiction; legal guardian; foster parent; approved parent surrogate; or legal custodian of the pupil who is the subject of the record and includes only such persons for whom access is authorized. In the event parental rights have been terminated or limited by a court of competent jurisdiction, the pupil's legal custodian must so notify the custodian of the pupil's file, by submission of appropriate legal documentation, in order that improper access to the pupil's records is not granted.
3. "Pupil record" means any information in tangible form regarding an individual pupil enrolled or formerly enrolled in this district, regardless of its subject, source, or physical form that is maintained for the purpose of review by a second party. Information recorded by certificated school personnel solely as a memory aid, not for the use of a second party is excluded from this definition.

B. Authorized content of pupil records

1. A pupil's file may include only the following mandated and permitted records:
 - a. Personal identifying data, including name, address, date of birth, citizenship, gender, and name of parent; personal data cannot include the pupil's religious or political affiliation, except as so requested by a parent or guardian, and cannot include any indication of the pupil's legitimacy;
 - b. Daily attendance records;
 - c. Pupil progress reports, report cards, and grade transcripts;
 - d. Grade level and program assignments;
 - e. Physical health records, including data collected pursuant to board policy;
 - f. Records required and created in the identification, referral, evaluation, and classification of educationally disabled pupils and the provision of special education and/or related activities;
 - g. All other records required by the State Board of Education.
2. The collection of the following permitted records is authorized to promote the pupil's educational welfare:
 - a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by certificated school personnel in the performance of their professional responsibilities and intended for review by a second party, provided the record is dated and signed by the originator; information recorded solely as a memory aid for the originator becomes a pupil record when it is reviewed by any second party, including a substitute;
 - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - c. Educationally relevant information provided by the parent/guardian regarding the pupil's achievements or school activities;
 - d. Any correspondence with the pupil and/or the pupil's parent;
 - e. Emergency notification form;
 - f. New pupil registration form;
 - g. Withdrawal or transfer form;

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- h. Records of disciplinary infractions, penalties, and disciplinary hearings;
- i. Records of the pupil's co-curricular activities and achievements;
- j. Awards and honors;
- k. Notations of additional records maintained in a separate file;
- l. The statement of a parent/guardian regarding a contested portion of the record; and
- m. Entries indicating review of the file by an authorized person.

C. Collection and maintenance of records

1. A pupil's records will be maintained in a single central file in the office of the school to which the pupil is assigned. The file of a pupil assigned to a program outside this district will be maintained in the office of the child study team.
2. In the event any record is kept in a place other than the pupil's central file, the central file will include a notation of the existence and location of the additional record.
3. The principal is the custodian responsible for the collection and security of pupil records in his or her school. The child study team supervisor is the custodian responsible for the collection and security of pupil records maintained by the child study team. The school nurse is the custodian responsible for any physical health records and emergency notification forms maintained in the school nurse's office.
4. All pupil records will be securely maintained under lock and key to protect the integrity of the record and to prevent access by unauthorized persons. Secretarial and clerical personnel, including properly assigned aides, may handle and view pupil records only to the limited extent necessary to enter data, amend records, file materials, copy pages, and conduct routine clerical tasks, as specifically directed and supervised by professional personnel.
5. Any computer program utilized for the electronic storage and retrieval of pupil information must provide adequate security blocks to protect the records against improper access and alteration. An updated printout must be made of all computerized pupil records and will be maintained in strict accordance with these regulations.
6. The registration of a pupil transferring to this district must be reported to the Principal in order that prompt request for the pupil's records may be made.

D. Access to pupil records

1. The responsible custodian shall permit access to pupil records only by the following authorized persons:
 - a. The parent/guardian of a minor pupil;
 - b. A minor pupil with the written permission of his or her parent;
 - c. Certificated school personnel who have assigned educational responsibilities for the pupil;
 - d. Representatives of accrediting organizations for the purpose of determining accreditation;
 - e. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibilities that necessitate the review of pupil records;
 - f. Officers and employees of a state agency responsible for protective and investigative services for pupils referred in cases of suspected child abuse;
 - g. Representatives and persons outside the school who have been authorized by the written consent of the parent/guardian, provided that a written request for review, together with the required authorization, is first submitted to the custodian of the record and provided that the reviewer shall not transfer pupil record information to a third party without the written consent of the parent/guardian;

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- h. Representatives and persons not otherwise authorized, upon the presentation of a court order, provided that, absent a judicial order to the contrary, the parent/guardian has been given at least three days' written notice of the name of the requesting agency and the records requested; and
 - i. Bona fide researchers approved by the chief school administrator after the requesting researcher has submitted a written request that sets forth the nature of the research, the relevance of the records sought, and the researcher's assurances that pupil anonymity and confidentiality will be strictly guarded.
2. A request for inspection of pupil records submitted by an authorized person will be granted, provided any condition for access set forth has been met, as soon as is practical and no later than ten days after the request is received or any hearing or review to which the record is relevant, whichever first occurs.
 3. No pupil record shall be altered or destroyed after review has been requested and before the requested review occurs. As soon as a request is received, the pupil's file will be flagged to prevent inadvertent clerical alteration. The flag will be removed when the review occurs.
 4. Where access has been requested by a person other than a parent or teaching staff member educationally responsible for the pupil, access will generally be limited to the record or portion of the record relevant to the purpose for which access was granted.
 5. The custodian of the record, or certified school personnel appointed by the custodian, shall be present during the period of review to provide interpretation of the record as required; to prevent any alteration, damage, or loss of the record; and to limit review where such limitation is a condition of access.
 6. Except for inspection by a parent or teaching staff member educationally responsible for the pupil, every inspection of a pupil's record shall be noted in an entry in the file that sets forth the name of the person or persons granted access, the reason access was granted, the time and circumstances of the inspection, the records inspected, and the purposes for which the data will be used.
 7. A record may be withheld from a parent only when the chief school administrator, in consultation with certified school personnel, determines that disclosure of the record would create a substantial risk of harm to the pupil or to a person with whom the record is concerned. The parent denied access shall be so informed in writing within five days and shall be notified of the right to appeal the denial of access to the Commissioner of Education.
 8. An authorized person may request a photocopy of all or a portion of that part of the pupil's record to which the reviewer has been granted access. Copies will be made by district personnel for a fee equal to that charged for copies of the public records of this district, except that the fee may be waived for a parent/guardian who, in the judgment of the custodian of the record, might otherwise be prevented from exercising his or her rights of access and appeal under rules governing access to pupil records and the due process rights of educationally disabled pupils.

E. Release of information

Information in a pupil record, other than directory information, may be released only to the following persons and under the following conditions:

1. In order to fulfill its legal responsibilities, the board of education may receive information contained in a pupil's record. Any request for such information must be made to the chief school administrator by the board duly convened. The information will be presented by the chief school administrator to the board in private session, except that the parent/guardian will be notified of the planned private discussion and, on the written request of the parent/guardian, the information will be discussed in a public meeting.

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2. Certificated school personnel may, in their discretion, disclose information in a pupil record to the minor pupil who is the subject of the record or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health and safety of the pupil or other persons.
3. A parent/guardian may be given information from that portion of another pupil's record that contains information about the parent's child.

F. Transfer of records

1. When a pupil transfers to another school district in New Jersey, the custodian of the pupil's records shall, within ten days of the receiving district's verification of the transfer:
 - a. Forward the pupil's mandated records to the receiving district with written notice of the transfer to the parent/guardian; and
 - b. Forward the pupil's permitted records to the chief school administrator of the receiving district on the written consent of the parent/guardian.
2. When a pupil departs permanently from this school district by transfer to a private school or a school district outside New Jersey, the parent/guardian will be notified in writing that a copy of the entire pupil record will be provided on request. The record will be forwarded to the receiving school or district on the written request of the parent/guardian.
3. The parent/guardian shall, on request, be provided with a copy of the records forwarded to another school district or educational institution.

G. Appeal of record

1. A parent/guardian may request the expunging of allegedly inaccurate, irrelevant, or improper information; the insertion of additional data and commentary; and request a stay of disclosure, in accordance with the following appeal procedures:
 - a. The parent/guardian must submit a written request to the principal that includes the specific issues and allegations relating to the pupil record and the relief sought.
 - b. The principal will, within ten days of the receipt of the request, meet with the parent/guardian to review the issues and allegations raised and the relief sought.
2. If the relief sought by the parent/guardian is not granted at the review meeting, the parent/guardian will be notified of his or her right to appeal the matter to the chief school administrator, board of education or the Commissioner of Education in writing within ten days of the meeting.
3. An appeal to the board will be promptly heard in private session, unless the parent/guardian requests a public meeting, and the board will issue a written determination within twenty days of the receipt of the written request for appeal to the board.
4. The board determination will include notification of the right of the parent/guardian to appeal to the Commissioner.
5. At all stages of the appeal process the parent/guardian 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 pupil's file and copies will be made available to the parent/guardian.

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7. Appeals relating to the records of educationally disabled pupils will be processed in accordance with law.
8. Regardless of the outcome of the appeal, the parent/guardian may place a statement in the pupil's file commenting on the information contained in the record or specifying reasons for disagreeing with the decisions of the board or its officers. Any such statement will be retained in the file so long as the contested portion of the file is maintained and will be disclosed whenever the contested portion is disclosed.

H. Directory information

1. Directory information includes a pupil's name, address, telephone number, grade level, date and place of birth, dates of attendance, major field of study, participation in district activities recognized by the board of education, awards, the educational agency most recently attended by the pupil, and other, similarly non-intrusive information.
2. Parents/guardians will be informed annually at the beginning of the school year of their right to prohibit the release of any or all types of directory information about the pupil and will be provided a period of ten days to submit to the chief school administrator a written statement prohibiting the release of such information.
3. Except where a parent/guardian has requested that directory information about the pupil not be released, directory information may, without the consent of the parent/guardian, be:
 - a. Released to recognized representatives of the press for use in published reports on district activities; and
 - b. Used in district publications and records such as the newsletter, handbook, school newspaper, yearbook, graduation program, board minutes, and administrative reports to the board.

I. Review of records

1. The records of all currently enrolled pupils will be reviewed annually by teaching staff members appointed by the custodian. Information no longer descriptive of the pupil or the pupil's educational situation or necessary to provide educational services to the pupil will be removed and destroyed. No record will be made of the removed information or of its removal.
2. A record that is mandated may be destroyed only after:
 - a. The parent/guardian has been notified of the pending destruction and has consented in writing to the destruction; or
 - b. Reasonable attempts to notify and secure the consent of the parent/guardian have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the parent/guardian to the last known address is returned or after, notification having been received, the parent/guardian fails to submit written consent within thirty days of receipt of notification.
3. All other records will be destroyed after:
 - c. The parent/guardian has been notified of the pending destruction, and has consented in writing to the destructing; or
 - d. Reasonable attempts to notify and secure the consent of the parent/guardian have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the last known address of the parent/guardian is returned as undeliverable or after, notification having been received the parent/guardian fails to submit written consent within thirty days of receipt of notification.

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4. No additional information will be placed in the pupil's file without the prior written consent of the parent/guardian.

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