Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 5125 Adopted : 11/13/90 Revised : 02/22/2005 Revised : 04/08/2024 Reviewed : 06/03/2024

Student 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 student records.

The chief school administrator shall be responsible for the security of student 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 student 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.

Student 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 student. 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 student records it has authorized certified school personnel to collect and maintain.

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 the originator of the record.

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

Parents/guardians and adult students shall be notified annually in writing of their rights in regard to student records. 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 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 student records should be denied the person whose rights have been terminated;

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. Parents/adult students 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 student'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" as 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 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 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.

C. A 10-day period to submit a written statement to the Chief School Administrator excluding information from any school directory for official use.

D. Copies of applicable state and federal laws and local policies will be made available on request.

District Review of Student Records

The chief school administrator 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.

Records of Classified Students

All records of disabled students 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 students on whose behalf the board of education must take public action. Motions concerning disabled students 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 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 “Consent” and N.J.A.C. 6A:14-2.3.

Transfer of Student Records

A. The chief school administrator shall 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.

B. The chief school administrator shall forward mandated student records as soon as possible upon receipt of the request from the chief school administrator of the district to which the student 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 student's parents/guardians informed the district of the transfer.

C. All records of district students moving into the ninth grade in the Haddon Heights school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two chief school administrators.

Permitted Access to Student Records

A nonadult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to nonadult 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.

A parent/guardian or adult student shall either have access to or be specifically informed about only that portion of another student's record that contains information about his/her own child or himself/herself.

A student record may be withheld from a parent of a student under 18 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.

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.

Particular attention shall be paid to the development of procedures whereby student 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 student 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 may make a reasonable charge for copies however this charge may not prevent parents from exercising their rights.

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 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. Those from outside the school whose access requires consent of parents/adult students 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.

Retention and Destruction of Records

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

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, year 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 student 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 student records.

Key Words

Student Records, Student Records, Records, Special Education Student Records

Legal References:	N.J.S.A. 2A:4A-60 et al.	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 et seq.	Examination and copies of public records ("Open Public Records Act")
	N.J.S.A. 47:3-15 et seq.	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 et seq. See particularly: N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9	Special Education
	N.J.A.C. 6A:16-1.1 et seq. See particularly: N.J.A.C. 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2	Programs to Support Student Development

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. I-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.

Possible Cross References:

*1110	Media
*1120	Board of education meetings
3543	Office services
*3570	District records and reports
*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5142	Student safety
*6145.1/6145.2	Intramural competition; interscholastic competition
*6147.1	Evaluation of individual student performance
*6164.2	Guidance services
*6171.4	Special education
*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

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