

Regulations

NO. 5160

Board of Education

PUPILS

PUPIL RECORDS

A. Definitions

1. "Access" means the right to view, take notes, and copy by hand or photo-reproduction.
2. "Adult pupil" means a pupil enrolled or formerly enrolled in this district who is the subject of the record and is eighteen years of age or older or is an emancipated minor. The Superintendent may determine that a minor pupil is emancipated on the pupil's presentation of evidence indicating that he or she is financially independent.
3. "Parent" means the natural or adoptive parent, custodial or noncustodial; 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 at ¶D1a. 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.
4. "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 person other than the originator of the record. Information recorded by a teaching staff member solely to aid memory is not a pupil record for the purpose of this regulation; at the time such information is reviewed by another person, it becomes a pupil record.

B. Authorized content of pupil records

A pupil's file may include only the following mandated and permitted records.

1. The collection of the following mandated records is authorized:
 - 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 the adult pupil or parent, and cannot include any indication of the pupil's illegitimacy;
 - b. Daily attendance records;
 - c. Pupil progress reports, report cards, and grade transcripts;
 - d. Grade level and program assignments;
 - e. Physical health records;
 - f. Records required and created in the identification, referral, evaluation, and classification of educationally handicapped 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 teaching staff members in the performance of their professional responsibilities and intended for review by another person, 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 other person, 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 or adult pupil regarding the pupil's achievements or school activities;

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- d. Any correspondence with the pupil and/or the pupil's parent;
- e. Driver education certificate;
- f. Emergency notification form;
- g. New pupil registration form;
- h. Withdrawal or transfer form;
- i. Change of schedule form;
- j. Records of disciplinary infractions, penalties, and disciplinary hearings;
- k. Records of the pupil's co-curricular and athletic activities and achievements;
- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file (1C2);
- o. The statement of a parent or adult pupil regarding a contested portion of the record; and
- p. Entries indicating review of the file by an authorized person (1D6).

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 Director of Special Services 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.
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 of a minor pupil, or the parent of a financially dependent adult pupil, or the parent of an emancipated adult pupil with the written permission of the pupil, or the parent of an adult pupil who has been declared legally incompetent;
 - b. A minor pupil with the written permission of his or her parent;

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- c. A pupil sixteen years of age who plans to terminate his or her education by graduation from high school or by withdrawal from school at the end of the term;
- d. An adult pupil;
- e. Teaching staff members who have assigned educational responsibilities for the pupil;
- f. Representatives of accrediting organizations for the purpose of determining accreditation;
- g. 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;
- h. Officers and employees of a state agency responsible for protective and investigative services for pupils referred in cases of suspected child abuse;
- i. Representatives and persons outside the school who have been authorized by the written consent of the parent or adult pupil, 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 or adult pupil;
- j. Representatives and persons not otherwise authorized, upon the presentation of a court order, provided that, absent a judicial order to the contrary, the parent or adult pupil has been given at least three days' written notice of the name of the requesting agency and the records requested; and
- k. Bona fide researchers approved by the Superintendent 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.

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2. A request for inspection of pupil records submitted by an authorized person will be granted, provided any condition for access set forth in ¶D1 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 pupil 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 a teaching staff member 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, pupil, 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 or pupil authorized at ¶D1a through ¶D1d only when the Superintendent, in consultation with teaching staff members, determines that a 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 or pupil 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 or adult pupil 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 handicapped pupils.

E. Release of information

Information in a pupil record, other than directory information defined in ¶11, 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 Superintendent by the Board duly convened. The information will be presented by the Superintendent to the Board in private session, except that the parent or adult pupil will be notified of the planned private discussion and, on the written request of the parent or adult pupil, the information will be discussed in a public meeting.
2. Teaching staff members 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 or adult pupil may be given information from that portion of another pupil's record that contains information about the parent's child or about the adult pupil.

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,

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- a. Forward the pupil's mandated records to the receiving district with written notice of the transfer to the parent or adult pupil and
 - b. Forward the pupil's permitted records to the receiving district on the written consent of the parent or adult pupil.
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 or adult pupil 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 or adult pupil.

G. Appeal of record

A parent or adult pupil may request the expungement 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:

1. The parent or adult pupil must submit a written request to the Superintendent that includes the specific issues and allegations relating to the pupil record and the relief sought.
2. The Superintendent, or his designee, will, within ten days of the receipt of the request, meet with the parent or adult pupil to review the issues and allegations raised and the relief sought.
3. If the relief sought by the parent or adult pupil is not granted at the review meeting, the parent or adult pupil will be notified of his or 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 private session, unless the parent or adult pupil 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. The Board determination will include notification of the right

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of the parent or adult pupil to appeal to the Commissioner.

5. At all stages of the appeal process the parent or adult pupil 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 or adult pupil.
7. Appeals relating to the records of educationally handicapped pupils will be processed in accordance with N.J.A.C. 6:28.
8. Regardless of the outcome of the appeal, the parent or adult pupil 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, weight and height relating to athletic team membership, degrees, awards, the educational agency most recently attended by the pupil, and other similarly nonintrusive information.
2. Except where a parent or adult pupil has requested that directory information about the pupil not be released, directory information may, without the consent of the parent or adult pupil, 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 (§B1) may be destroyed only after
 - a. The parent or adult pupil 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 or adult pupil have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the parent or adult pupil to the last known address is returned or after, notification having been received, the parent or adult pupil fails to submit written consent within ten (10) days of receipt of notification.

J. Retention of records

When a pupil graduates from high school or permanently departs from the school system,

1. The parent or adult pupil will be notified in writing that records other than those permanently retained will be destroyed and that a copy of the pupil's entire record will be provided on request.
2. Except where records are transferred to another New Jersey school district (§F1), the following records will be maintained in perpetuity: the pupil's name, date of birth, gender, address and telephone number at time of departure from this district, grades, attendance record, classes attended, grade level completed, year completed, name(s) of parent(s), and citizenship status.
3. The student profile form, with all appropriate attachments, of any pupil assessed by a special review assessment, will be retained for one year after the graduation of the pupil's class.

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4. All other records will be destroyed after
 - a. The parent or adult pupil 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 or adult pupil have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the last known address of the parent or adult pupil is returned as undeliverable or after, notification having been received, the parent or adult pupil fails to submit written consent within ten (10) days of receipt of notification.
5. No additional information will be placed in the pupil's file without the prior written consent of the parent of adult pupil.
6. The permanent records of pupils formerly enrolled in this district will maintained in the guidance office under the custodianship of the Principal.