

**STUDENT RECORDS**

The Long Hill Township 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 (CSA) shall be responsible for the security of student records maintained in the school district. He/she shall formulate and the BOE 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 BOE 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.

That list, as specified in N.J.A.C. 6:A-32-7.3 is:

1. The student's name, address, telephone number, date of birth, name of parent(s), gender, citizenship, standardized assessment and test answer sheets(protocol), grades, attendance, classes attended, grade level completed, and year completed;
2. Record of daily attendance;

3. Descriptions of student progress according to the system of student evaluation used in the school district;
4. History and status of physical health compiled in accordance with State regulations, including results of any physical examination given by qualified school employees;
5. Records pursuant to rules and regulations regarding the education of students with disabilities; and
6. All other records required by the State Board of Education.

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/guardian, if possible. When the parent or guardian'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 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/guardians 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 CSA 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 programs 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
- B. A 10-day period in which to submit a written statement to the CSA 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 CSA 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 CSA 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 pupils 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/guardians 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. 66A: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.

NOTE: DISTRICTS WITH NONPUBLIC SCHOOL STUDENTS RECEIVING SERVICES, OR WITH STUDENTS PLACED IN PROGRAMS PROVIDED BY AGENCIES OTHER THAN LOCAL DISTRICTS MAY WANT TO DEVELOP LANGUAGE BASED ON SECTIONS R AND S OF THE LEGAL REFERENCE SHEET.

#### Transfer of Student Records

- A. The CSA 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 CSA shall forward mandated student records as soon as possible upon receipt of the request from the CSA 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. NO STUDENT RECORD SHALL BE GIVEN TO A PARENT/GUARDIAN OR ANY OTHER PERSON FOR THE PURPOSE OF MEETING THE REQUIREMENT OF FORWARDING A MANDATED STUDENT RECORD TO THE CSA OF ANOTHER DISTRICT.

- C. NOTE: THE FOLLOWING PARAGRAPH APPLIES TO DISTRICTS THAT ARE CONSTITUENTS OF A REGIONAL OR WHICH HAVE A CONTRACTUAL SENDING RELATIONSHIP WITH ANOTHER DISTRICT.

All records of district students moving into the ninth grade in the Watchung Hills Regional School District 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/guardian of a student under 18 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 BOE shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code. The restrictions/requirements, as defined by N.J.A.C. 6A:32-7.5 are:

- (a) Only authorized organizations, agencies or persons as defined in the section shall have access to student records, including student health records.
- (b) Each district board of education shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to those persons under the conditions permitted by Federal and State statute and regulations or stated in (e) below.
- (c) The district board of education may 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 this subchapter or under rules and regulations regarding student with disabilities.
- (d) Access to and disclosure of a student health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99(FERPA).
- (e) Authorized organizations, agencies, and persons shall include only the following:
1. A student who has the written permission of a parent, the parent of a student under the age of 18 whether or not the child resides with that parent except per N.J.S.A. 9:2-4;
    - i. The place of residence shall not be disclosed; and
    - ii. Access shall not be provided if denied by a court.
  2. Students at least 16 years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
  3. The adult student and the student's parent who has the written permission of such student except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court or appropriate jurisdiction. The parent of the financially dependent adult student may not disclosure information contained in the adult student's record to a second or third party without the consent of the adult student;
  4. Certified school district personnel who have assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6:16-1.5:
  5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record but not the student health record except under conditions permitted in N.J.A.C.6:16-1.5:
    - i. An approved private school for the disabled;
    - ii. A state facility;
    - iii. Accredited nonpublic school in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
    - iv. Clinics and agencies approved by the Department of Education;
  6. A district board of education, in order to fulfill its legal responsibility as a board, has access through the chief school administrator 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;

7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the record to the extent that is necessary for the entry and recording of data and the conduction of routine clerical tasks. Access shall be limited only to those student files which such staff are directed to enter to record information and shall cease when the specific assigned task is completed;
8. Accrediting organizations in order to carry out their accrediting functions;
9. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records;
10. Officials of other district boards of education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered or seeks to enroll subject to the following conditions;
  - i. Original mandated student records which the schools have been directed to compile by the New Jersey statute, regulation or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;
  - ii. Original mandated student records which a district board of education has required shall be forwarded to the receiving school district with written notification to the parent or adult student except when a formal sending-receiving relationship exists between the school districts'
  - iii. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the chief school administrator or his or her designee of the school district to which the student transferred within 10 school days after the transfer has been verified by the requesting district.
  - iv. 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 school district;
  - v. The chief school administrator or his or her designee of the school district of last attendance shall upon request, provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions' and
  - vi. Proper identification, such as a certified copy of the student's birth certificate, shall be requested at the time of enrollment in a new school district;

11. Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records;
12. Officers and employees of a State agency who are responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate district board of education shall ask such State agency for its cooperation in sharing the findings of the investigation;
13. Organizations, agencies and persons from outside the school if they have written consent of the parent or adult student, except that these organizations, agencies and persons shall not transfer student record information to a third party with the written consent of the parent or adult student;
14. Organizations, agencies and individuals outside the school, other than those specified in this section, upon the presentation of a court order; and
15. Bona fide researchers, who explain in writing, in advance to the chief school administrator, the nature of the research project and the relevance of the records sought and who satisfy the chief school administrator or his or her designee that the records are to be used under strict condition of anonymity and confidentiality. Such assurance shall be received in writing by the chief school administrator prior to the release of information to the researcher.

(f) Nothing in this section 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.

(g) In complying with this section, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, The Open Public Records Act (OPRA) and 20 U.S.C. & 1231g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

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.

#### 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 CSA/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 CSA 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 CSA to keep abreast of all changes in state and federal law and regulation concerning student records.

**First reading: April 27, 2009**

**Second reading: May 4, 2009**

**Replaces Policy 5125 Pupil Records dated Jan. 22, 1001**

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. 6:3-6.1 et seq.                Pupil records
- N.J.A.C. 6:3-9.1                          School register
- N.J.A.C. 6:8-4.1                          Review of mandated programs and services
- N.J.A.C. 6A:8-4.2                        Documentation of student achievement
- N.J.A.C. 6A:14-1.1 et seq.              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, -1.5,  
    -2.2, -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. 8:61-1.1                        Attendance at school by pupils 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 (September 2002)
  
- 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	Communicating with the Public Through Board of Education Meetings
*3570	District Records and Reports
*5113	Absences and Excuses
*5124	Reporting to Parents/Guardians
*5131	Harassment, Bullying, Intimidation and Threatening Behavior Prevention
*5131.6	Drugs, Alcohol, Tobacco (Substance Abuse)
*5141.2	Illness
*5141.3	Health Examinations and Immunizations
*5142	Pupil Safety
*6145	Extracurricular Activities and Eligibility
*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.

