

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

District Review of Student Records

The superintendent 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 handicapped 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 which 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 handicapped 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. 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.

Transfer of Student Records

- A. The superintendent 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 superintendent shall forward mandated student records as soon as possible upon receipt of the request from the superintendent 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.

All records of district students moving into the school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two superintendents.

Permitted Access to Student Records

A non-adult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to non-adult 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 the 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 which 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 (will) make a charge for copies.

NOTE: The 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 superintendent/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 superintendent 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. The 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 records, classes attended, grade level completed, year completed, and citizenship status.

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

Date reviewed and readopted: Reviewed: February 21, 2007; Adopted: March 26, 2007

Legal References: Use legal reference sheet.

Key Words: Student Records, Student Records, Records, Special Education Student Records

Legal References

STUDENT RECORDS

Monitored:

Indicator 5.1

Mandated:

N.J.A.C. 6A:32-7.1(g) mandates policies and procedures for student records; sets out requirements.

N.J.A.C. 6A:16-5.4 requires the adoption of policies and procedures protecting access to information related to juvenile justice proceedings per N.J.S.A. 2A:4A-60.

Other Reasons:

N.J.A.C. 18A:36-35 forbids the disclosure of certain student information on the Internet without parental consent.

N.J.A.C. 6A:14-2.9 sets out requirements for maintaining and inspecting special education records. Reference to student records occurs throughout N.J.A.C. 6A:14-1.1 et seq.

N.J.A.C. 6A:16-2.4 describes the proper maintenance of student health records.

N.J.A.C. 6A:16-3.2 requires assurances of confidentiality of alcohol and drug abuse patient records, as well as confidentiality of students participating in school-based drug and alcohol counseling programs and their families.

N.J.A.C. 6A:32-7.1 contains additional mandates to boards that should be addressed in policy concerning student records.

No Child Left Behind requires the board to make provision for the disclosure of names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents/guardians request that information not be released without prior written parental consent. Parents/guardians must be notified of the option to make such a request. Any district that receives NCLB funds must provide the same access to students as provided to postsecondary educational institutions and prospective employers.

Recommendation:

A policy on student records that fulfills all the requirements of N.J.A.C. 6A:32-7 et seq., plus any additional language required by N.J.A.C. 6A:14. The order given follows the code enumeration, not the order in which a rational policy might address the topics.

The policy must address:

A. N.J.A.C. 6A:32-2.1

Definition of student information directory;

B. N.J.A.C. 6A:32-7.1(b)

District must compile and maintain student records and regulate access, disclosure or communication of information from educational records in a manner which assures the security of such records in accordance with the code;

C. N.J.A.C. 6A:32-7.1(c)

Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observation or knowledge of the certified school personnel who originated the record. N.J.A.C. 6A:32-7.1(h) states that all anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originates the data;

D. N.J.A.C. 6A:32-7.1(d)

District must notify parents and adult students annually in writing of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. NOTE: Rights include:

1. Notification of rights;
2. Right to inspect, review and challenge (see P below);
3. Copies of applicable state and federal laws and local policies made available upon request;
4. Every effort to notify in dominant language of parent/adult student (see also K below);

E. N.J.A.C. 6A:32-7.1 (e)

Nonadult student may assert rights of access only through parents/guardians. 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;

F. N.J.A.C. 6A:32-7.1 (f)

The parent 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;

G. N.J.A.C. 6A:32-7.1 (g) Mandated policies and procedures

1. Guarantee access to persons authorized within 10 days of request, but prior to any review or hearing conducted in accordance with state board of education regulations;
2. Assure security of the records;
3. Enumerate and describe the student records collected and maintained by the district board of education;

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X Monitored

X Mandated

X Other Reasons

4. Provide for the inclusion of educationally relevant information in the student records by the parent or adult student;
 5. Allow for the designation, release and public notice of directory information as defined in the code;
 6. Provide the parent or adult student a 10-day period to submit a written statement to the chief school administrator prohibiting the institution 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 N.J.S.A. 18A:36-19.1 and P.L. 107-110, sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001;
 7. Provide the Parent or adult student a 10-day period to submit a written statement to the Chief School Administrator, excluding information from any school directory for official use;
 8. Assure limited access to student records by secretarial and clerical personnel pursuant to N.J.A.C. 6A:32-7.5;
 9. Provide for the access and security of student records maintained in a computerized system;
 10. Maintain the confidentiality of all student records with name, social security number, address and telephone number information or use the substitute address for certified participants in the Address Confidentiality Program pursuant to the provisions of N.J.A.C. 5:61 et. seq.
- H. N.J.A.C. 6A:32-7.1(h)
- All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data (see C above);
- I. N.J.A.C. 6A:32-7.1 (i)
- The chief school administrator/designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the educational relevance of the material;
- The reviewer shall cause data no longer descriptive of the student or educational situation to be deleted from the records except that prior notice must be given for classified students in accordance with N.J.A.C. 6A:14;
- Such no longer relevant data shall be destroyed and not be recorded elsewhere. No record of any such deletion shall be made;
- J. N.J.A.C. 6A:32-7.1 (j)
- No liability shall be attached to any member, officer or employee of the district permitting access or furnishing student records in accordance with code;

K. N.J.A.C. 6A:32-7.1 (k)

When the parent or adult student's dominant language is not English, or the parent or adult student is deaf, the district shall provide interpretation of the student record in the dominant language of the parent or adult student (see D4 above);

L. N.J.A.C. 6A:32-7.1(l)

Student health records must be maintained separately from other student records and handled, according to requirements of N.J.A.C. 6A:32-7, until graduation or termination at whereupon the health history and immunization record shall be removed from the student health records and placed in the student's mandated record.

M. N.J.A.C. 6A:32-7.3

(a) 1. Mandated student records include:

- a. Personal data which identify each student enrolled in the school district. These data shall include the student's name, address, telephone number, date of birth, name of parent(s), gender, citizenship, standardized assessment and test sheets (protocol), grades, attendance, classes attended, grade level completed, and year completed.
- b. Records of daily attendance;
- c. Description of student progress according to the system of student evaluation used in the district;
- d. History and status of physical health compiled in accordance with state regulations; include results of physical examination by qualified district employees;
- e. Records pursuant to rules and regulations regarding education of students with disabilities;
- f. All other records required by state board;

N. N.J.A.C. 6A:32-7.5

- (a) Only authorized organizations, agencies or persons as defined in regulation shall have access;
- (b) The board shall control access to, disclosure of, and communication regarding information contained in student health records to assure access to those persons under the conditions permitted by Federal and State statute and regulations.
- (c) Board may charge reasonable fee for copies (N.J.S.A. 47:1A-2) as long as cost does not prevent parents from exercising rights regarding students with disabilities;
- (e) Includes 15 categories of authorized organizations, agencies or persons to have access;
- (f) 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;

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X Other Reasons

- (g) In complying with the rules individuals shall adhere to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g, the Family Educational Rights and Privacy Act (FERPA) and the implementing regulations 34 CFR Part 99.

O. N.J.A.C. 6A:32-7.6

- (a)
1. 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;
 2. Those from outside the school whose access requires consent of parents or adult students must submit request in writing, together with any required authorization, to the chief school administrator/designee;
 3. Chief school administrator/designee shall be present during period of inspection to provide interpretation of records where necessary and to prevent their alteration, damage, or loss; In every instance of inspection of student records by persons other than parents, students or persons with assigned educational responsibility for the individual student, an entry shall be made in the student record of the name of persons granted access, the reason access was granted, the time and circumstances of the inspection, the records studied and the purpose for which the data was used;
 4. Unless otherwise judicially instructed, prior to disclosure of any student records to organizations, agencies and persons outside the district shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested (in writing if practicable). Only those records related to the specific purpose of the court order shall be disclosed;
 5. A record may be withheld under conditions detailed in code;

P. N.J.A.C. 6A:32-7.7 (a), (d)

- (a) Challenge by parents/adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies and persons;

The parent/adult student may seek to:

1. Expunge inaccurate, irrelevant or otherwise improper information from the student record;
 2. Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records;
 3. Request an immediate stay of disclosure pending final determination of the challenge procedure as described in code;
- (d) Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place a statement in the student record commenting upon the information in the student record or setting forth any reasons for disagreement with the decision of the agency. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained;

If the contested portion of the record is disclosed to any party, the statement commenting upon the information must also be disclosed to that party;

Q. N.J.A.C. 6A:32-7.8

- (a) While a student is enrolled, the record is considered incomplete and subject to N.J.S.A. 47:3-15;
- (b) Mandated student records of currently enrolled students, other than that required for permanent records, 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/adult student notification and consent or after reasonable attempts;

- (c) Upon graduation or permanent departure from the school system:
 - 1. Parent/adult student notified in writing that a copy of the entire student record will be provided them on request;
 - 2. Information other than permanent may be destroyed in accordance with N.J.S.A. 47:3-15 et seq., but only after written parental/adult student notification/consent or reasonable attempt at notification has been made;
- (d) No additions to be made to record after graduation or permanent departure without prior written consent of parent/adult student;
- (e) 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.

R. N.J.A.C. 6A:14-2.9

- (a) Student records shall be maintained according to N.J.A.C. 6A:32-7.
- (b) Parents, adult students or designated representatives shall be permitted to inspect and review student records without unnecessary delay and before any meeting regarding the IEP.
- (c) Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 and 2.3.

S. N.J.A.C. 6A:14-7.9

All receiving schools as described in this subchapter shall conform to the requirements of N.J.A.C. 6A:32-7 pertaining to student records. Also:

- 1. All student records shall be returned to the responsible board of education when a student's program is terminated.

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2. Requests for access by authorized organizations, agencies or persons shall be directed to the chief school administrator of the responsible district.
3. Daily attendance records of all students in receiving schools shall be maintained in accordance with N.J.A.C. 6A:23 and made available to the district board upon request. Habitual tardiness or prolonged absences shall be reported in writing to the chief school administrator of the responsible district.

T. N.J.A.C. 6A:16-5.4

Access to information related to juvenile justice proceedings shall be protected according to requirements in N.J.S.A. 2A:4A-60.

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| <u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u> | Disclosure of juvenile information; penalties for disclosure |
| <u>N.J.S.A. 18A:36-19</u> | Pupil records; creation, maintenance and retention, security and access; regulations; nonliability |
| <u>N.J.S.A. 18A:36-19a</u> | Newly enrolled students; records and identification |
| <u>N.J.S.A. 18A:36-19.1</u> | Military recruiters; access to schools and student information directories |
| <u>N.J.S.A. 18A:36-35</u> | Disclosure of certain student information on Internet prohibited without parental consent |
| <u>N.J.S.A. 18A:40-4</u> | Examination for physical defects and screening of hearing of students; health records |
| <u>N.J.S.A. 18A:40-19</u> | Records and reports of tuberculosis testing; disposition; inspection |
| <u>N.J.S.A. 26:5C-7 through -14</u> | Acquired Immune Deficiency Syndrome |
| <u>N.J.S.A. 47:1A-1 et seq.</u> | Examination and copies of public records ("Open Public Records Act") |
| <u>N.J.S.A. 47:3-15 et seq.</u> | Destruction of Public Records Law |
| <u>N.J.S.A. 52:17B-9.8a through -9.8c</u> | Marking of missing child's school record |
| <u>N.J.A.C. 6A:8-4.2</u> | Documentation of student achievement |
| <u>N.J.A.C. 6A:14-1.1 et seq.</u> | Special Education |
| <u>See particularly:</u> <u>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</u> | |
| <u>N.J.A.C. 6A:16-1.1 et seq.</u> | Programs to Support Student Development |
| <u>See particularly:</u> <u>N.J.A.C. 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2</u> | |
| <u>N.J.A.C. 6A:30-1.1 et seq.</u> | Evaluation of the Performance of School Districts |
| <u>N.J.A.C. 6A:32-2.1</u> | Definitions |
| <u>N.J.A.C. 6A:32-7.1 et seq.</u> | Student records |
| <u>N.J.A.C. 6A:32-8.1</u> | School register |
| <u>N.J.A.C. 6A:32-14.1</u> | Review of mandated programs and services |
| <u>N.J.A.C. 8:61-1.1</u> | Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV) |

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X Other Reasons

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. □-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:

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|----------------|---|
| *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.