

## PUPIL RECORDS

In accordance with the policy of the Board of Education and conformance with the requirements of state and federal legislation, the following district rules are promulgated for the handling of individual pupil records.

### A. Definitions

For purposes of this regulation "pupil records" shall be defined as any information concerning and an individual pupil gathered from within or without this school system and maintained within the school system regardless of the form or place so employed, i.e. in writing, on film, on tape, etc. Pupil records shall not include information about a pupil intended only for the use of the recorder, except that any such information becomes a pupil record when it is made known to any person other than the recorder.

### B. Mandated Records

In accordance with state mandate, the following records must be maintained:

1. Personal data which identifies each pupil enrolled in the district, including name, address, date of birth, name of parents and/or guardians, citizenship, and sex; but records may not include data which indicate religious or political affiliation of the pupil or parents/guardians unless requested to do so by the parent/guardian. The labeling of pupils as illegitimate is prohibited. Students must use the legal name;
2. Record of daily attendance;
3. Description of pupil progress including courses taken and evaluations made. Grade level (or other program) assignment must also be recorded. These cumulative folders must not be taken from the building overnight. Each teacher is responsible for attaching pictures in kindergarten, 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> grade;
4. Health history and status records compiled in accordance with state regulations including immunization records and results of any physical examinations given by qualified district employees;

PUPIL RECORDSB. Mandated Records (continued)

5. All other records required to be kept by state regulations including classification records of children with disabilities for special education purposes.

C. Permitted Records

In accordance with resolutions (or policies) of the Board of Education, the administration may compile data regarding individual pupils that include:

1. Emergency data including parent/guardian signature, correct telephone number and an emergency contact;
2. Observations and ratings of the individual pupils by professional staff members acting within their sphere of competency;
3. Samples of pupil work;
4. Information obtained from professionally acceptable standard instruments of measurement such as: interest inventories, aptitude tests, vocational preference inventories, achievement tests, standardized intelligence tests;
5. Authenticated information provided by a parent/guardian or adult pupil concerning achievements and other school activities which the pupil wants to make a part of the record;
6. Verified reports of serious or recurrent behavior patterns;
7. Extracurricular activities and achievements;
8. Rank in class and academic honors earned.

No other records may be accumulated unless the collection of such facts has been authorized by the Board.

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### D. Form of Records

All anecdotal information collected on a pupil, whether part of the “mandated” or “permitted” pupil record, shall be authenticated information which has been dated and signed by the individual who originated the data. Hearsay information is not considered to be authenticated by this definition.

### E. Maintenance of Records

The principal or designee shall be responsible for the physical security of pupil records maintained in the school and shall devise procedures for ensuring that access to such records is limited to authorized persons only.

All pupil records shall be reviewed annually by the principal or designee in order to evaluate the educational relevance of the material contained therein. Each reviewer shall delete from the records information detrimental to the pupil which is not longer descriptive of the pupil or educational situation. Such data shall be destroyed and not be recorded elsewhere nor shall a record of such deletion be made.

The principal shall be responsible for the transfer of all records for pupils who will be continuing their education outside the district or at the regional high school within 10 calendar days of verification of transfer.

All records for each individual pupil shall be maintained together in the pupil's school of attendance, except that records for an individual pupil may be maintained in different locations, including in a computerized system, if there is a notation in the pupil's central file as to which records may be found.

### F. Access to Records

Only authorized individuals, organizations or agencies shall be granted access to individual pupil records under any conditions. Where authorized individuals are other than the pupil, his/her parent/guardian, professional staff members or supervised secretarial and clerical personnel of the district, or are organizations or agencies, or the superintendent, or designee, on behalf of the board of education, access shall be limited to those records requisite to the specific purpose to be served by such access. Those so authorized and the limiting conditions are:

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### F. Access to Records (continued)

1. The parent of a pupil under the age of 18 and the pupil who has the written permission of such parent;
2. Pupils at least 16 years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
3. The adult pupil and the pupil's parent who has the written permission of such pupil, except that the parent shall have access without consent of the pupil as long as the pupil is financially dependent on the parent and enrolled in the public school system or if the pupil has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult pupil may not disclose information contained in the adult pupil's record to a second or third party without the consent of the adult pupil;
4. Certified school district personnel who have assigned educational responsibility for pupil;
5. Certified educational personnel who have assigned educational responsibility for the pupil and who are employed by:
  - i. An approved private school for the handicapped;
  - ii. A state facility;
  - iii. Accredited nonpublic schools in which pupils 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 pupil's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult pupil;
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 record to the extent that is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those pupil files which such staff are directed to enter or record information and shall cease when the specific assigned task is completed;

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### F. Access to Records (continued)

8. Accrediting organizations in order to carry out their crediting 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 in which the pupil is placed, registered or intends to enroll subject to the following conditions:
  - i. Mandated pupil records shall be forwarded to the receiving district with written notification to the parent or adult pupil;
  - ii. Permitted records shall be forwarded to the receiving district only with the written consent of the parent or adult pupil except where a formal sending-receiving relationship exists between the school districts;
  - iii. All records to be forwarded shall be sent to the chief school administrator or his or her designee of the school district to which the pupil has transferred with 10 days after the transfer has been verified by the requesting school district;
  - iv. The chief school administrator or his or designee shall request all pupil records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new 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 a adult pupil with a copy of the records disclosed to other educational agencies or institutions; and
  - vi. Proper identification, such as a certified copy of the pupil'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 pupils referred to that agency pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, district, boards of education shall ask such State agency for its cooperation in sharing the findings of the investigation;

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F. Access to Records (continued)

13. Organizations, agencies and persons from outside the school if they have the written consent of the parent or adult pupil, except that these organizations, agencies and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil;
14. Organizations agencies and individuals outside the school, other than those specified in this section, upon the presentation of court order; and
15. Bona fide researchers who explain in writing 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 will be used under strict conditions of anonymity and confidentiality. Such assurance must be received in writing by the chief school administrator prior to the release of information to the researcher.

G. Conditions of Access

Authorized individuals, organizations and agencies as defined in F shall have access to the records of a pupil, subject to the following procedures:

1. No pupil 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. Authorized organizations, agencies and persons from outside the school whose access requires the consent of parents or adult pupils must submit their request in writing together with any required authorization, to the chief school administrator or his or her designee.
3. The chief school administrator or his or her designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage or loss. In every instance of inspection of pupil records by persons other than parents, pupils or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the pupil record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied and the purposes for which the data will be used.

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G. Conditions of Access (continued)

4. Unless otherwise judicially instructed, the district board of education shall, prior to the disclosure of any pupil records to organizations, agencies, or persons outside the school district pursuant to a court order, give the parent or adult pupil at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided 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 from a parent of a pupil under 18 or from an adult pupil only when the local education agency 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. When the local education agency has or obtains evidence of such court order the parent or adult pupil shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has a right to appeal this decision to the court issuing the order.

#### H. Reproduction of Records

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer charged the following fees based upon the total number of pages or parts there of to be purchased without regard to the number of records being copied:

1<sup>st</sup> to 10<sup>th</sup> pages @ .25  
11<sup>th</sup> to 20<sup>th</sup> pages @ .15  
over 20 pages @ .10

More may be charged in any case if the actual cost to the district exceeds this amount.

#### I. Challenge to Records

1. Pupil records are subject to challenge by parents/guardians on ground of accuracy, relevancy, disclosure or denial of access to individuals, organizations or agencies. The parent/guardian has the following rights:

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#### I. Challenge to Records (continued)

- a. To seek expungement or correction of inaccurate, misleading, irrelevant, invalid or otherwise improper information contained in the pupil record
  - b. To insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records
  - c. To request an immediate stay of disclosure pending final determination of the challenge procedure.
2. To appeal, a parent/guardian must notify the Superintendent, in writing, of the specific issues relating to the pupil record. Within 10 days of notification, the Superintendent or designee shall meet with the parent/guardian to review the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent/guardian may appeal this decision to the Board of Education or the commissioner of education within 10 days. If appeal is made to the Board, a decision shall be rendered within 20 days. The decision of the Board may be appealed to the commissioner pursuant to state law and code. At all stages of the appeal process, the parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and the outcome shall be made a part of the student's record with copies made available to the parent/guardian.
  3. Appeals relating to the pupil records of educationally disabled pupils shall be processed in accordance with the requirements of N.J.A.C. 6:28.
  4. Regardless of the outcome of any appeal, the parent shall be permitted to place a statement in the pupil record commenting upon the information in the pupil record or setting forth any reason for disagreement with the decision of the agency. Such statements shall be maintained as part of the pupil 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.

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### J. Retention and Destruction of Records

1. A pupil record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. while the student is enrolled in the school district.
2. Mandated pupil records of currently enrolled pupils, other than that described in (e) below, may be destroyed after the information is no longer necessary to provide educational services to a pupil. Such destruction shall be accomplished only after written parental or adult pupil notification and written parental or adult pupil permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful.
3. Upon graduation or permanent departure of a pupil from the school system:
  - a. The parent or adult pupil shall be notified in writing that a copy of the entire pupil record will be provided to them upon request.
  - b. Information in pupil records, other than that described in (c) below, may be destroyed but only in accordance with the Destruction of Pupil Records Law, N.J.S.A. 47:3-15 et seq. Such destruction shall be accomplished only after written parental or adult pupil notification and written parental or adult pupil permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful.
  - c. No additions shall be made to the record after graduation or permanent departure without prior written consent of the parent or adult pupil.
  - d. The New Jersey public school district of last enrollment graduation or permanent departure of the pupil from the school district and shall keep in perpetuity a permanent record of a pupil's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, name of parent(s) and citizenship status.

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### K. Right to Know

1. Parent/guardian shall be notified annually in their dominant language at the start of the school year by individual notice of their rights under these regulations.
2. Copies of this policy and regulations along with applicable state and federal regulations regarding student records shall be made available to parents/guardians on request.
3. Upon the graduation or permanent departure of a pupil from the school system, the parent/guardian or adult pupil shall be notified that a copy of the entire pupil record will be provided to them upon request before the record is sent to the secondary or transfer school.

L. Pupil Records in Computerized Data Base

The superintendent and other administrative personnel in charge of the computerized office services shall develop and supervise appropriate practices to correspond to the requirements of NJAC 6:3-2 et seq. for regular hard copy pupil file folders as may be appropriate for the type of information stored in the data base.

Protection against any security violations of pupil records stored in the computerized data base shall be effected with security blocks and controlled access.

M. Student Health - Records and Reporting

Records and Reporting - The school nurse shall maintain student health records as a portion of the student record file. The forms and/or content that are recommended or directed by the commissioner of education, law and administrative code shall be used and entered appropriately.

Notification to Parents - Parents shall be provided with the findings of their child's health when school physical examinations, screening and testing identified any condition requiring medical care and/or follow-up by a private physician or services.

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M. Student Health - Records and Reporting (continued)

Confidentiality of Student Health Information - Confidentiality of student health records shall comply with the provisions of NJAC 6:3-2 Student Records or as otherwise dictated by department of health rules and regulations.

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