

Regulation

STUDENT RECORDS

Definitions

- A. "Access" means the right to view, to make notes, and/or to have a reproduction of the student record made.
- B. "Parent" means the natural or adoptive parent, custodial or non-custodial, whose parental rights have not been terminated by a court of competent jurisdiction; legal guardian; foster parent; approved parent surrogate; or legal custodian of the student who is the subject of the record and includes only such persons for whom access is authorized. In the event parental rights have been terminated or limited by a court of competent jurisdiction, the student's legal custodian must so notify the custodian of the student's file, by submission of appropriate legal documentation, in order that improper access to the student's records is not granted.
- C. "Student record" means any information in tangible form regarding an individual student 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 second party. Information recorded by certificated school personnel solely as a memory aid, not for the use of a second party is excluded from this definition.

Authorized Content of Student Records

- A. A student's file may include only the following mandated and permitted records:
 - 1. Personal identifying data, including name, address, date of birth, citizenship, gender, and name of parent; personal data cannot include the student's religious or political affiliation, except as so requested by the parent, and cannot include any indication of the student's legitimacy;
 - 2. Daily attendance records;
 - 3. Student progress reports, report cards, and grade transcripts;
 - 4. Grade level and program assignments;
 - 5. Physical health records, including data collected pursuant to board policy;
 - 6. Records required and created in the identification, referral, evaluation, and classification of educationally disabled students and the provision of special education and/or related activities;
 - 7. All other records required by the State Board of Education.
- B. The collection of the following permitted records is authorized to promote the student's educational welfare:
 - 1. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by certificated school personnel in the performance of their professional responsibilities and intended for review by a second party, provided the record is dated and signed by the originator; information recorded solely as a memory aid for the originator becomes a student record when it is reviewed by any second party, including a substitute;
 - 2. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - 3. Educationally relevant information provided by the parent regarding the student's achievements or school activities;
 - 4. Any correspondence with the student and/or the student's parent;
 - 5. Emergency notification form;
 - 6. New student registration form;
 - 7. Withdrawal or transfer form;

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8. Records of disciplinary infractions, penalties, and disciplinary hearings;
9. Records of the student's co-curricular and athletic activities and achievements;
10. Awards and honors;
11. Notations of additional records maintained in a separate file;
12. The statement of a parent regarding a contested portion of the record; and
13. Entries indicating review of the file by an authorized person.

Collection and Maintenance of Records

- A. A student's records will be maintained in a single central file in the office of the school to which the student is assigned. The file of a student assigned to a program outside this district will be maintained in the office of the child study team.
- B. In the event any record is kept in a place other than the student's central file, the central file will include a notation of the existence and location of the additional record.
- C. The principal is the custodian responsible for the collection and security of student records in his or her school. The supervisor of special education is the custodian responsible for the collection and security of student 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.
- D. All student 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 student 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.
- E. Any computer program utilized for the electronic storage and retrieval of student information must provide adequate security blocks to protect the records against improper access and alteration. An updated printout must be made of all computerized student records and will be maintained in strict accordance with these regulations.
- F. The registration of a student transferring to this district must be reported to the Principal in order that prompt request for the student's records may be made.

Access to Student Records

- A. The responsible custodian shall permit access to student records only by the following authorized persons:
 1. The parent of minor student;
 2. A minor student with the written permission of his or her parent;
 3. Certificated school personnel who have assigned educational responsibilities for the student;
 4. Representatives of accrediting organizations for the purpose of determining accreditation;
 5. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibilities that necessitate the review of student records;
 6. Officers and employees of a state agency responsible for protective and investigative services for students referred in cases of suspected child abuse;
 7. Representatives and persons outside the school who have been authorized by the written consent of the parent, 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 student record information to a third party without the written consent of the parent;

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8. Representatives and persons not otherwise authorized, upon the presentation of a court order, provided that, absent a judicial order to the contrary, the parent has been given at least three days' written notice of the name of the requesting agency and the records requested; and
 9. Bona fide researchers approved by the chief school administrator 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 student anonymity and confidentiality will be strictly guarded.
- B. A request for inspection of student records submitted by an authorized person will be granted, provided any condition for access set forth 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.
 - C. No student 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 student's file will be flagged to prevent inadvertent clerical alteration. The flag will be removed when the review occurs.
 - D. Where access has been requested by a person other than a parent or teaching staff member educationally responsible for the student, access will generally be limited to the record or portion of the record relevant to the purpose for which access was granted.
 - E. The custodian of the record, or certified school personnel 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.
 - F. Except for inspection by a parent or teaching staff member educationally responsible for the student, every inspection of a student'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.
 - G. A record may be withheld from a parent only when the chief school administrator, in consultation with certified school personnel, determines that disclosure of the record would create a substantial risk of harm to the student or to a person with whom the record is concerned. The parent 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.

Release of Information

- A. Information in a student record, other than directory information, may be released only to the following persons and under the following conditions:
- B. In order to fulfill its legal responsibilities, the board of education may receive information contained in a student's record. Any request for such information must be made to the chief school administrator by the board duly convened. The information will be presented by the chief school administrator to the board in private session, except that the parent will be notified of the planned private discussion and, on the written request of the parent, the information will be discussed in a public meeting.
- C. Certificated school personnel may, in their discretion, disclose information in a student record to the minor student 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 student or other persons.
- D. A parent may be given information from that portion of another student's record that contains information about the parent's child.

Transfer of Records

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- A. When a student transfers to another school district in New Jersey, the custodian of the student's records shall, within ten days of the receiving district's verification of the transfer:
 - 1. Forward the student's mandated records to the receiving district with written notice of the transfer to the parent; and
 - 2. Forward the student's permitted records to the chief school administrator of the receiving district on the written consent of the parent, except that permitted records may be forwarded to the high school without written consent.
- B. When a student departs permanently from this school district by transfer to a private school or a school district outside New Jersey, the parent will be notified in writing that a copy of the entire student record will be provided on request. The record will be forwarded to the receiving school or district on the written request of the parent.
- C. The parent shall, on request and approved by the principal, be provided with a copy of the records forwarded to another school district or educational institution.

Directory Information

- A. Directory information includes a student'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 student, and other, similarly non-intrusive information.
- B. Parents will be informed annually at the beginning of the school year of their right to prohibit the release of any or all types of directory information about the student and will be provided a period of ten days to submit to the chief school administrator a written statement prohibiting the release of such information.
- C. Except where a parent has requested that directory information about the student not be released, directory information may, without the consent of the parent, be:
 - 1. Released to recognized representatives of the press for use in published reports on district activities; and
 - 2. Used in district website, social media accounts, publications and records such as the newsletter, handbook, school newspaper, yearbook, programs, board minutes, and administrative reports to the board.

Review of Records

- A. The records of all currently enrolled students will be reviewed annually by teaching staff members appointed by the custodian. Information no longer descriptive of the student or the student's educational situation or necessary to provide educational services to the student will be removed and destroyed. No record will be made of the removed information or of its removal.
- B. A record that is mandated may be destroyed only after:
 - 1. The parent has been notified of the pending destruction and has consented in writing to the destruction; or
 - 2. Reasonable attempts to notify and secure the consent of the parent have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the parent to the last known address is returned or after, notification having been received, the parent fails to submit written consent within thirty days of receipt of notification.
- C. All other records will be destroyed after:

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1. The parent has been notified of the pending destruction, and has consented in writing to the destructing; or
2. Reasonable attempts to notify and secure the consent of the parent have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the last known address of the parent is returned as undeliverable or after, notification having been received the parent fails to submit written consent within thirty days of receipt of notification.

D. No additional information will be placed in the student's file without the prior written consent of the parent.

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