

POLICY

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The Board of Education believes that information about individual pupils must be compiled and maintained in the interest of the pupil's educational welfare and advancement. The Board will strive to balance the pupil's right to privacy against the district's need to collect, retain, and use information about individual pupils and groups of pupils. The Board authorizes the establishment and maintenance of pupil files that include only those records mandated by law, rules of the State Board of Education, and authorized administrative directive and those records permitted by this Board. No liability shall be attached to any member, officer, or employee of this Board for the furnishing of pupil records in accordance with law and rules.

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this policy and conform to applicable state and federal law and rules of the State Board of Education.

Notification of Rights

Parent(s) or legal guardian(s) and adult pupils shall annually be notified in writing of their rights regarding pupil records, including the right to prohibit the release of directory information. Copies of applicable federal and state laws, Board policy, and administrative regulations governing pupil records will be made available to parent(s) or legal guardian(s) and adult pupils on request.

When the language of the parent(s) or legal guardian(s) or adult pupil is not English or the parent(s) or legal guardian(s) or adult pupil is deaf, the Superintendent shall, whenever possible, provide interpretation in the dominant language or assist in securing an interpreter.

Due Process

If consent to release pupil record information is refused by a parent(s) or legal guardian(s), the district shall institute due process hearing procedures as indicated in Policy and Regulation No. 2460.

Content of Records

Mandated records include the pupil's personal descriptive data, daily attendance records, progress reports, and physical health records; records required for disabled pupils; and all other records required by the State Board of Education.

Any school records with HIV identifying information will be maintained in accordance with the standards set forth in N.J.S.A. 26:5C.

Permitted records include observations and ratings by professional staff members acting within the scope of their professional duties, samples of pupil work, information obtained from professionally acceptable standard instruments of measurement, educationally relevant information provided by a parent(s) or legal guardian(s) or adult pupil concerning achievements and other school activities that the parent(s) or legal

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guardian(s) or pupil wishes to make part of the pupil's record, extra-curricular activities and achievements, rank in class, academic honors earned, and written evidence of compliance with the requirements of this policy for notification and consent.

In all cases, information in pupil records must be educationally relevant, objective, and based on the first-hand observation or personal knowledge of the originator. No record may be made or kept of a pupil's religious or political affiliation or of any indication of a pupil's illegitimacy.

The Board will describe annually at a public meeting the pupil records that professional employees have been authorized to collect and maintain.

Collection and Maintenance of Records

A single, central file will be compiled for each pupil and will be maintained in the office of the school to which the pupil has been assigned or, in the case of pupils assigned to a school or program outside the district, in the office of the child study team. If any record regarding a pupil is required to be kept outside that file, a notation of its existence and location must be kept in the central file.

The Superintendent shall be responsible for the security of pupil records and shall designate appropriate custodians of the records. The Superintendent shall ensure that all persons collecting or using personally identifiable information are trained regarding the confidentiality of personally identifiable information. The Superintendent shall maintain for public information a current list of the names and positions of the employees within the school district who may have access to personally identifiable information.

Parent(s) or legal guardian(s) or adult pupils shall be informed when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.

The Superintendent shall require the destruction of information when no longer needed to provide educational services at the request of the parent(s) or legal guardian(s) accept for the pupil's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, name of parent(s) or legal guardian(s) and citizenship status.

The Superintendent shall request the school records of a transferred pupil within two weeks of the pupil's enrollment and shall obtain proper identification of new pupils.

Computerized Records

Pupil records stored electronically in a computerized system must be protected by programmed security blocks and safeguards that ensure both access to the full record by authorized persons and complete security against access by unauthorized persons. An updated hard copy of pupil records will also be maintained and will be subject to all the restrictions of law and this policy.

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Access to Records

Access to pupil records will be available only to the pupil's parent(s) or legal guardian(s), the adult pupil, appropriate school personnel acting in the educational interest of the pupil, and such others as may be permitted access by rules of the State Board of Education.

Every parent, except as prohibited by federal and state law, shall have access to records and information pertaining to his/her unemancipated child whether or not the child resides with the parent, unless that access is found by the court to be not in the best interest of the child or the access is found by the court to be sought for the purpose of causing detriment to the other parent.

A pupil's parent(s), guardian(s) or legal custodian(s) may petition the court to have a parent's access to the pupil's records limited. The Board shall notify the parent(s) or legal guardian(s) or adult pupil within five days of the date the order is obtained or evidence of the order is received that the request for access is denied. The parent(s) or legal guardian(s) or adult pupil may appeal the denial to the court that issued the order.

The Board is permitted access to pupil records only through the Superintendent. Secretarial and clerical personnel are permitted access to pupil records only to the extent necessary in the performance of their responsibilities, under the direct supervision of teaching staff members.

Copies of pupil records may be made by those permitted access to them at the fee established for the reproduction of public records in Policy No. 8310.

A request for access to the record or reproduction of any of its contents must be granted or denied within ten days but no later than twenty-four hours prior to any hearing or review to which the requested record is pertinent. No record shall be altered or destroyed between the time the written request is made and the record is reviewed.

Information in a pupil's record may be released by a teaching staff member to the pupil, minor or adult, and to other appropriate persons in an emergency and for the purpose of protecting the health and safety of the pupil or other persons.

A pupil's records will be sent to the New Jersey School District to which the pupil transfers within ten days of the new district's verification of the transfer, in accordance with State Board rules. All information in the pupil's record related to disciplinary action taken against the pupil by the district will also be sent to the receiving district without the consent of the parent or adult pupil pursuant to N.J.S.A. 18A:36-19a and N.J.S.A. 18A:36-25.1. The records of a pupil who transfers to a private school or to a school outside New Jersey will be sent to the new school only on the written permission of the parent(s) or legal guardian(s) or adult pupil.

Directory Information

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The Board designates as pupil "directory information" a pupil's name, address, telephone number, grade level, date and place of birth, dates of enrollment, participation in officially recognized activities and sports, awards received, previous school districts attended, the height and weight of members of district athletic teams and other, similarly nonintrusive specific information.

Directory information for all pupils in the district may be released without specific permission, except when such release is prohibited by a parent(s) or legal guardian(s) or adult pupil.

A district that receives funds under ESEA is required to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses and telephone listings for all secondary pupils. However, parent(s), legal guardian(s) and/or the adult pupil may request that such information not be released without prior written parental consent.

Parent(s) or legal guardian(s) or adult pupils shall be provided with a ten day period to submit a written statement to the chief school administrator, or designee, to prohibit the institution from including any and all types of information about the pupil in any information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters.

Appeal of Record

A parent(s) or legal guardian(s) or adult pupil may challenge the pupil's record and may request the addition of material or comments or the deletion of material from the record. The parent(s) or legal guardian(s) or adult pupil may request a stay of disclosure pending final determination of any such challenge. An appeal must be made in writing to the Superintendent, who shall attempt to resolve the issue within ten days. The issue may be further appealed, within ten days of the Superintendent's determination, to the Commissioner of Education or the Board of Education. Any appeal made to the Board will be determined within twenty days and after opportunity has been offered for a hearing. A record of the appeal will be made part of the pupil's record.

A parent(s) or legal guardian(s) or adult pupil may place a statement in the record, which will be maintained with the contested portion of the record and will be disclosed whenever the contested portion is disclosed.

Review, Transfer, Preservation, and Destruction

The records of currently enrolled pupils will be reviewed annually by appropriate teaching staff members, and permitted records that are detrimental or no longer educationally relevant must be deleted, except that no information shall be deleted from the record of a classified pupil without prior notice to the parent(s) or legal guardian(s) or adult pupil.

No record shall be kept of any such deletion or the materials deleted. Mandated information no longer

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necessary for the provision of educational services may also be destroyed, provided the parent(s) or legal guardian(s) or adult pupil has given written consent to the destruction or reasonable efforts to notify the parent(s) or legal guardian(s) or adult pupil and secure consent have been unsuccessful.

When a pupil is no longer enrolled in this district, those records mandated by rules of the State Board of Education will be preserved in perpetuity. All other records will be destroyed, except that the pupil profile form, with attachments, of a pupil evaluated by Special Review Assessment will be retained for one year after the pupil's class graduates. The parent(s) or legal guardian(s) or adult pupil will be notified in writing that the mandated educational information is being released to public schools where the pupil is now enrolled or intends to enroll. In addition, the parent(s) or legal guardian(s) or adult pupil will be notified in writing that a copy of the entire pupil record will be provided upon request. No additions will be made to the pupil's record without the written consent of the parent(s) or legal guardian(s) or adult pupil.

20 U.S.C.A. 1232g (a) (5) (B)
34 C.F.R. 300.571, Part 99; 300.572, 300.573
N.J.S.A. 9:2-4.2
N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4;
18A:40-19
N.J.S.A. 47:1A-1, 1A-2
N.J.A.C. 6:3-6.1 et seq.; 6:3-6.8; 6:3-9.2; 6:3-9.3;
6A:14-1.3; 6A:14-2.9

Cross reference: Policy Guide Nos. 2460, 2622, 5430,
5600, 5610, 9713

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