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A. Definitions

1. "Access" means the right to view, take to make notes, and/or to have a reproduction of the pupil record made.
2. "Adult pupil" means a pupil who is the subject of the record and who is at least is eighteen years of age or is attending an institution of postsecondary education, or is an emancipated minor. The Superintendent may determine that a minor pupil is emancipated on the pupil's presentation of evidence indicating that he/she is financially independent.
3. "Parent(s) or legal guardian(s)" means the natural or adoptive parent(s) or legal guardian(s), foster parent(s) or parent surrogate(s) of the pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parents of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction. In the event parent(s) or legal guardian(s) rights have been terminated or limited by a court of competent jurisdiction, the pupil's legal custodian must so notify the custodian of the pupil's file, by submission of appropriate legal documentation, in order that improper access to the pupil's records is not granted.
4. "Parent surrogate(s)" means an individual or individuals approved by the Board in accordance with N.J.A.C. 6A:14-2.2 to act on behalf of a pupil whose parent(s) is not available to assure the pupil's educational rights.
5. "Pupil record" means any information related to an individual pupil gathered within or outside the school system and maintained within the school system regardless of the physical form in which it is maintained. Any information that is maintained for the purpose of second party review is considered a pupil record. Therefore, information recorded by certified school personnel solely as a memory aid, not for the use of a second party, is excluded from this definition.
6. "Pupil information directory" means a publication of the district Board of Education which includes the following information relating to a pupil: the pupil's name, address, telephone number, grade level, date and place of birth, dates of attendance, major field of study, participation in officially recognized activities, weight and height relating to athletic team membership, degrees, awards, the most recent educational agency attended by the pupil and other similar information.

B. Authorized Content of Pupil Records

A pupil's file may include only the following mandated and permitted records.

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1. The collection of the following mandated records is authorized:
 - a. Personal identifying data, including name, address, date of birth, gender, and name of parent(s) or legal guardian(s), and citizenship. Personal data cannot include the pupil's religious or political affiliation, except as so requested by the adult pupil or parent(s) or legal guardian(s), and cannot include any indication of the pupil's illegitimacy;
 - b. Daily attendance records;
 - c. Pupil progress reports, report cards, and grade transcripts;
 - d. Grade level and program assignments;
 - e. History and status of physical health compiled in accordance with State regulation, including physical examinations given by qualified district employees. Any school records with HIV identifying information will be maintained in accordance with the standards of N.J.S.A. 26:5C-1 et seq. and N.J.A.C. 6A:16-1 et seq.; which require the following for disclosure of records:

In accordance with N.J.A.C. 6A:16-2.2(c), information concerning a pupil's HIV/AIDS status shall not be required as part of the physical examination or health history. In accordance with N.J.A.C. 6A:16-1.5(c) information that identifies a pupil as having HIV infection or AIDS shall be shared only with prior written informed consent of the pupil age 12 or greater, or of the pupil's parent(s) or legal guardian(s) as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the pupil.

Records may be disclosed to only the following individuals or agencies:

- (1) Qualified personnel for purpose of conducting scientific research;
- (2) Qualified personnel for purpose of conducting management audits, financial audits or program evaluation;
- (3) Qualified person in medical education or in the diagnosis and treatment of the individual involved;
- (4) To the New Jersey Department of Health as required by state or federal law; and/or
- (5) As permitted by the rules and regulations of the New Jersey Department of Health.

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- f. Records required and created in the identification, referral, evaluation, and classification of disabled pupils and the provision of special education and/or related activities pursuant to Policy No. 2460;
and
All other records required by the State Board of Education.
2. The collection of the following permitted records is authorized to promote the pupil's educational welfare:
 - a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator; information recorded solely as a memory aid for the originator becomes a pupil record when it is reviewed by any other person, including a substitute;
 - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - c. Educationally relevant information provided by the parent(s) or legal guardian(s) or adult pupil regarding the pupil's achievements or school activities;
 - d. Any correspondence with the pupil and/or the pupil's parent(s) or legal guardian(s);
 - e. Driver education certificate;
 - f. Emergency notification form;
 - g. New pupil registration form;
 - h. Withdrawal or transfer form;
 - i. Change of schedule form;
 - j. Records of disciplinary infractions, penalties, and disciplinary hearings;
 - k. Records of the pupil's co-curricular and athletic activities and achievements;
 - l. Class rank;

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- m. Awards and honors;
- n. Notations of additional records maintained in a separate file (C2);
- o. The statement of a parent(s) or legal guardian(s) or adult pupil regarding a contested portion of the record; and
- p. Entries indicating review of the file by an authorized person (D6).

C. Collection and Maintenance of Records

1. A pupil's records will be maintained in a single central file in the office of the school to which the pupil is assigned. The file of a pupil assigned to a program outside this district will be maintained in the office of the Child Study Team.
2. In the event any record is kept in a place other than the pupil's central file, the central file will include a notation of the existence and location of the additional record.
3. The Principal is the custodian responsible for the collection and security of pupil records in his/her school. The CST Coordinator is the custodian responsible for the collection and security of pupil 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.
4. All pupil 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 pupil 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.
5. Any computer program utilized for the electronic storage and retrieval of pupil information must provide adequate security blocks to protect the records against improper access and alteration. An updated printout must be made of all computerized pupil records and will be maintained in strict accordance with Policy No. 8330 and these regulations.
6. The registration of a pupil transferring to this district must be reported to the Superintendent in order that prompt request for the pupil's records may be made.

D. Access to Pupil Records

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1. The responsible custodian shall permit access to pupil records only by the following authorized persons:
 - a. The parent of a pupil under the age of eighteen and the pupil who has written permission of such parent;
 - b. Pupils at least sixteen 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.
 - c. 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.
 - d. Certified school district personnel who have assigned educational responsibilities for the pupil;
 - a. Certified educational personnel who have assigned educational responsibility for the pupil and who are employed by an approved private school for the handicapped, a state facility, accredited nonpublic schools in which pupils with educational disabilities have been placed according to N.J.S.A. 18A:46-14 or clinics and agencies approved by the Department of Education;
 - b. The Board of Education, in order to fulfill its legal responsibility as a Board, has access to information contained in the pupil's record through the Superintendent or designee. The information shall be discussed in executive session unless otherwise requested by the parent, legal guardian or adult pupil.
 - c. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the records to the extent that it 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 that such staff are directed to enter or record information and shall cease when the specific assigned task is completed.
 - d. Accrediting organizations in order to carry out their accrediting functions;
 - i. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibilities that necessitate the review of pupil records;

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- j. Officials of the United States Department of Education who have assigned responsibilities that necessitate review of such records;
 - k. Officers and employees of a State agency responsible for protective and investigative services for pupils referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Whenever appropriate, the district shall ask such State agency for its cooperation in sharing the findings of the investigation;
 - l. Organizations, agencies and persons from outside the school who have been authorized by the written consent of the parent(s) or legal guardian(s) or adult pupil, 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 pupil record information to a third party without the written consent of the parent(s) or legal guardian(s) or adult pupil;
 - m. Organizations, agencies and individuals outside the school, other than those specified in N.J.A.C. 6A:6:3-6.5, upon presentation of a court order provided that, absent a judicial order to the contrary, the parent(s) or legal guardian(s) or adult pupil has been given at least three days' written notice of the name of the requesting agency and the records requested. Only those records related to the specific purpose of the court order shall be disclosed; and
 - n. Bona fide researchers approved by the Superintendent 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 written assurances that the records will be used under strict conditions of anonymity and confidentiality.
2. A request for inspection of pupil records submitted by an authorized person will be granted, provided any condition for access set forth in D1 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.
 3. No pupil 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 pupil's file will be marked to prevent inadvertent clerical alteration. The mark will be removed when the review occurs.
 4. Where access has been requested by a person other than a parent(s) or legal guardian(s) or pupil or teaching staff member educationally responsible for the pupil, access will generally be limited to the

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record or portion of the record relevant to the purpose for which access was granted.

5. The custodian of the record, or a teaching staff member 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.
6. Except for inspection by a parent(s) or legal guardian(s), pupil, or teaching staff member educationally responsible for the pupil, every inspection of a pupil'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.
7. 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, including, but not limited to, medical, dental, insurance, child care and educational records, 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. The place of residence of either parent shall not appear on any records or information released pursuant to this Policy and Regulation No. 8330.

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. If the court, after a hearing, finds that the parent's access to the record is not in the best interest of the pupil or that the access sought is for the purpose of causing detriment to the other parent, the court may order that access to the records be limited.

8. An authorized person may request a photocopy of all or a portion of that part of the pupil's record to which the reviewer has been granted access. Copies will be made by district personnel for a fee equal to that charged for copies of the public records of this district, except that the fee may be waived for a parent(s) or legal guardian(s) or adult pupil who, in the judgment of the custodian of the record, might otherwise be prevented from exercising his/her rights of access and appeal under rules governing access to pupil records and the due process rights of disabled pupils.

E. Release of Information

Information in a pupil record, other than directory information defined in H1, may be released only to the

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following persons and under the following conditions.

1. Teaching staff members may, in their discretion, disclose information in a pupil record to the minor pupil 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 pupil or other persons.
2. A parent(s) or legal guardian(s) or adult pupil may be given information from that portion of another pupil's record that contains information about the parent(s) or legal guardian(s) child or about the adult pupil.

F. Transfer of Records

1. When a pupil is placed, registered or intends to enroll in another school district in New Jersey, the custodian of the pupil's records in the school district of last attendance shall, within ten days of the receiving district's verification of the transfer:
 - a. Forward the pupil's mandated records to the receiving district with written notification of the transfer to the parent(s) or legal guardian(s) or adult pupil; and
 - b. Forward the pupil's permitted records to the Superintendent or designee, of the receiving district only on the written consent of the parent(s) or legal guardian(s) or adult pupil, except that permitted records may be forwarded to Wallkill Valley Regional High School or Sussex County Technical School or Pope John XXIII High School without written consent.
 - c. The Superintendent 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;
 - d. The Superintendent or designee of the school district of last attendance shall upon request, provide a parent, legal guardian or adult pupil with a copy of the records disclosed to other educational agencies and institutions;
 - e. 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.
 - f. The school district of last attendance shall provide to the receiving district all information in the pupil's record related to disciplinary actions taken against the pupil by the district, as well as information in the pupil's record received pursuant to N.J.S.A. 2A:4A-60. Any disciplinary records forwarded to the receiving district will not include the name or identification of any other

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pupil(s) involved in any disciplinary action other than the pupil for which the records are being provided to the receiving district in accordance with N.J.S.A. 18A:36-19a and N.J.S.A. 18A:36-25.1. A written consent of the parent, legal guardian and/or adult pupil shall not be required as a condition of transfer of this information; however written notification of the transfer of the information will be provided to the parent, legal guardian or adult pupil.

- g. The school district of last attendance shall provide to the receiving district all information in the child's record related to disciplinary actions taken against the child by the district and notify the receiving district if it has obtained any information pursuant to section 1 of P.L. 1982, c.79 (C.2A:4A-60). Written consent of the parent, legal guardian or adult pupil shall not be required as a condition of transfer of this information, however, written notice of the transfer shall be provided to the parent, legal guardian or adult pupil. If the record has been marked pursuant to section 2 of P.L. 1995, c.395 (C.52:17B-9.8b), the transferring school district shall forward the record to the receiving school district and immediately notify the Missing Persons Unit in the Department of Law and Public Safety established pursuant to section 2 of P.L.1983, c.467 (C.52:17B-9.7).

2. When a pupil departs permanently from this school district by transfer to a private school or a school district outside New Jersey, 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 on request. The record will be forwarded to the receiving school or district on the written request of the parent(s) or legal guardian(s) or adult pupil.

G. Appeal of Record

A parent(s) or legal guardian(s) or adult pupil may request the expunging of allegedly inaccurate, irrelevant, or otherwise improper information; the insertion of additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6:3-6.7. and in accordance with the following appeal procedures:

1. The parent(s) or legal guardian(s) or adult pupil must submit a written request to the Superintendent or designee that includes the specific issues relating to the pupil record.
2. The designee will, within ten days of the receipt of the request, meet with the parent(s) or legal guardian(s) or adult pupil to review the issues set forth in the appeal.
3. If the matter is not satisfactorily resolved, the parent(s) or legal guardian(s) or adult pupil will be notified of his/her right to appeal the matter either to the Board of Education within ten days of the meeting or to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and rules adopted in

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accordance with such statute.

4. An appeal to the Board will be promptly heard in private session, unless the parent(s) or legal guardian(s) or adult pupil requests a public meeting, and the Board will issue a written determination within twenty days of the receipt of the written request for appeal to the Board. The Board determination will include notification of the right of the parent(s) or legal guardian(s) or adult pupil to appeal to the Commissioner pursuant to N.J.S.A. 18A:6-9 and rules adopted in accordance with such statute.
5. At all stages of the appeal process the parent(s) or legal guardian(s) or adult pupil will be afforded a full and fair opportunity to present evidence relevant to the issue.
6. A record of the appeal proceedings and outcome will be included in the pupil's file and copies will be made available to the parent(s) or legal guardian(s) or adult pupil.
7. Appeals relating to the records of educationally handicapped pupils will be processed in accordance with N.J.A.C. 6A:14.
8. Regardless of the outcome of the appeal, the parent(s) or legal guardian(s) or adult pupil may place a statement in the pupil's file commenting on the information contained in the record or specifying reasons for disagreeing with the decisions of the Board or its officers. Any such statement will be retained in the file so long as the contested portion of the file is maintained and will be disclosed whenever the contested portion is disclosed.

H. Pupil Directory Information

1. Parent(s) or legal guardian(s) and adult pupils 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 pupil and will be provided a period of ten days to submit to the Superintendent a written statement prohibiting the release of such information.
2. Except where a parent(s) or legal guardian(s) or adult pupil has requested that directory information about the pupil not be released, directory information may, without the consent of the parent(s) or legal guardian(s) or adult pupil, be:
 - a. Released to recognized representatives of the press for use in published reports on district activities; and

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- b. Used in district publications and records such as the newsletter, handbook, school newspaper, yearbook, graduation program, Board minutes, and administrative reports to the Board.
3. School districts that receive funds under the ESEA must provide, on request by a military recruiter or an institution of higher education, access to the names, addresses and telephone listings for secondary pupils. However, parents, legal guardians and/or adult pupils may request this information not be released for their child without prior written parental consent.

I. Review of Records

1. The records of all currently enrolled pupils will be reviewed annually by teaching staff members appointed by the custodian. Information no longer descriptive of the pupil or the pupil's educational situation or necessary to provide educational services to the pupil will be removed and destroyed. No record will be made of the removed information or of its removal.
2. A record that is mandated (B1) may be destroyed only after:
 - a. The parent(s) or legal guardian(s) or adult pupil has been notified of the pending destruction and has consented in writing to the destruction; or
 - b. Reasonable attempts to notify and secure the consent of the parent(s) or legal guardian(s) or adult pupil have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the parent(s) or legal guardian(s) or adult pupil to the last known address is returned or after, notification having been received, the parent(s) or legal guardian(s) or adult pupil fails to submit written consent within ten working days of receipt of notification.
3. Removed records will be destroyed by shredding, burning or complete erasure of records stored on computer disk.

J. Retention of Records

When a pupil graduates from high school or permanently departs from the school system,

1. The parent(s) or legal guardian(s) or adult pupil will be notified in writing that records other than those permanently retained will be destroyed and that a copy of the pupil's entire record will be provided on request.
2. Except where records are transferred to another New Jersey school district (F1), the following records

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will be maintained in perpetuity: the pupil's name, date of birth, gender, address and telephone number at time of departure from this district, grades, attendance record, classes attended, grade level completed, year completed, name(s) of parent(s) or legal guardian(s), and citizenship status.

3. The pupil profile form, with all appropriate attachments, of any pupil assessed by a special review assessment, pursuant to Policy No. 5460, will be retained for one year after the graduation of the pupil's class.
4. All other records will be destroyed after
 - a. The parent(s) or legal guardian(s) or adult pupil has been notified of the pending destruction and has consented in writing to the destruction; or
 - b. Reasonable attempts to notify and secure the consent of the parent(s) or legal guardian(s) or adult pupil have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the last known address of the parent(s) or legal guardian(s) or adult pupil is returned as undeliverable or after, notification having been received, the parent(s) or legal guardian(s) or adult pupil fails to submit written consent within 10 working days of receipt of notification.
5. No additional information will be placed in the pupil's file without the prior written consent of the parent(s) or legal guardian(s) or adult pupil.
6. The permanent records of pupils formerly enrolled in this district will be maintained in the school office or school district depository.

Date Adopted: 5/17/98

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