

PUPIL RECORDS

The Norwood 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 pupil records.

The Chief School Administrator shall be responsible for the security of pupil 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 pupil 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.

Pupil 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 pupil. 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 pupil records it has authorized certified school personnel to collect and maintain.

Pupil records shall contain only such information as is relevant to the education of the pupil, 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 pupil shall be dated and signed by the individual who originated the data.

Parents/guardians and adult pupils shall be notified annually in writing of their rights in regard to pupil records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult pupil, if possible. When the parent or adult pupil's dominant language is not English, or the parent/adult pupil 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 pupil records should be denied the person whose rights have been terminated;

- D. Parents/guardians or adult pupils 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 pupil's present educational situation or otherwise improperly contained in the pupil's record. Parents/adult pupils 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 pupil's records;

The Chief School Administrator 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 pupils annually in writing of their rights in regard to pupil 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 pupil.
- B. A 10-day period in which to submit a written statement to the Chief School Administrator 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 Pupil Records

The Chief School Administrator shall require all permitted pupil records of pupils 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 pupil 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 disabled pupil without prior parental notice.

Records of Classified Pupils

All records of disabled pupils shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled pupils on whose behalf the board of education must take public action. Motions concerning disabled pupils shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6:3-6.1.

Parents/adult pupils or designees shall be permitted to inspect and review the contents of the pupil's record maintained by the district without unnecessary delay and before any meeting regarding the pupil's IEP. Any consent required for disabled pupils under N.J.A.C. 6:3-6 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 Pupil Records

- A. The Chief School Administrator shall request records of a newly enrolled pupil 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 Chief School Administrator shall forward mandated pupil records as soon as possible upon receipt of the request from the Chief School Administrator of the district to which the pupil 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 pupil's parents/guardians informed the district of the transfer.
- C. All records of district pupils moving into the ninth grade in the Northern Valley Regional High School shall be transferred in a secure and orderly fashion at the mutual convenience of the two Chief School Administrators.

Permitted Access to Pupil Records

A nonadult pupil may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose pupil records to nonadult pupils or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the pupil or other persons.

A parent/guardian or adult pupil shall either have access to or be specifically informed about only that portion of another pupil's record that contains information about his/her own child or himself/herself.

A pupil record may be withheld from a parent of a pupil under 18 or from an adult pupil 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.

Only authorized organizations, agencies or persons as defined in code shall have access to pupil records.

Particular attention shall be paid to the development of procedures whereby pupil 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 pupil records that 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 not make a charge for copies.

Conditions of Access

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. Those from outside the school whose access requires consent of parents/adult pupils must submit the request in writing, together with any required authorization, to the chief school administrator/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 Chief School Administrator shall develop regulations in accordance with the administrative code concerning retention and destruction of pupil records. No additions may be made to the record after the graduation or permanent departure of a pupil without the prior written consent of the parent/adult pupil.

The New Jersey district of last enrollment must keep in perpetuity: name, date of birth, sex, address, phone number, grades, attendance records, classes attended, grade level completed, year completed, name of parent(s) and citizenship status.

Liability

Liability shall not be attached to any member, officer or employee of the board of education permitting access or furnishing pupil records in accordance with these rules and regulations. It shall be the responsibility of the Chief School Administrator to keep abreast of all changes in state and federal law and regulation concerning pupil records.

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Revised: June 29, 2009

Legal References:

- N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
- N.J.S.A. 18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
- N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
- N.J.S.A. 18A:36-19.1 Military recruiters; access to schools and student information directories
- N.J.S.A. 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
- N.J.S.A. 18A:40-4 Examination for physical defects and screening of hearing of pupils; health records
- N.J.S.A. 18A:40-19 Records and reports of tuberculosis testing; disposition; inspection
- N.J.S.A. 26:5C-7 through -14 Acquired Immune Deficiency Syndrome
- N.J.S.A. 47:1A-1 et seq. Examination and copies of public records (“Open Public Records Act”)
- N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law
- N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child’s school record
- N.J.A.C. 6:3-6.1 et seq. Pupil records
- N.J.A.C. 6:3-9.1 School register
- N.J.A.C. 6:8-4.1 Review of mandated programs and services
- N.J.A.C. 6A:8-4.2 Documentation of student achievement
- N.J.A.C. 6A:14-1.1 et seq. Special Education
- See particularly:
N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9
- N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
- See particularly:
N.J.A.C. 6A:16-1.4, -1.5, -2.2, -3.2, -5.4, -6.5, -10.2
- N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
- N.J.A.C. 8:61-1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)
- 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. I-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 (September 2002)
- No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Cross References:

1110	Media
1120	Board of education meetings
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	Pupil 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

PUPIL RECORDS

A. Definitions

1. "Access" means the right to view, to make notes, and/or to have a reproduction of the pupil record made.
2. "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 pupil 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 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.
3. "Pupil record" means any information in tangible form regarding an individual pupil 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.

B. Authorized Content of Pupil Records

1. **A pupil's file may include only the following mandated records:**
 - a. Personal identifying data, including name, address, date of birth, citizenship, gender, and name of parent; personal data cannot include the pupil's religious or political affiliation, except as so requested by the adult pupil or parent, and cannot include any indication of the pupil's legitimacy;
 - b. Daily attendance records;
 - c. Pupil progress reports, report cards, and grade transcripts;
 - d. Grade level and program assignments;
 - e. Physical health records, including data collected pursuant to board policy;
 - f. Records required and created in the identification, referral, evaluation, and classification of educationally disabled pupils and the provision of special education and/or related activities;
 - g. 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 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 pupil record when it is reviewed by any second party, 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 regarding the pupil's achievements or school activities;
 - d. Any correspondence with the pupil and/or the pupil's parent;

- e. Emergency notification form;
- f. New pupil registration form;
- g. Withdrawal or transfer form;
- h. Records of disciplinary infractions, penalties, and disciplinary hearings;
- i. Records of the pupil's co-curricular and athletic activities and achievements;
- j. Awards and honors;
- k. Notations of additional records maintained in a separate file;
- l. The statement of a parent regarding a contested portion of the record; and
- m. Entries indicating review of the file by an authorized person.

C. Collection and Maintenance of Records

1. A pupil's records will be maintained in a single central file in the Main Office. 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 or her school. The Child Study Team Chairperson 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 these regulations.
6. The registration of a pupil transferring to this district must be reported to the Principal in order that prompt request for the pupil's records may be made.

D. Access to Pupil Records

1. The responsible custodian shall permit access to pupil records only by the following authorized persons:
 - a. The parent of a minor pupil;
 - b. A minor pupil with the written permission of his or her parent;
 - c. Certificated school personnel who have assigned educational responsibilities for the pupil;
 - d. 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;
 - e. Officers and employees of a state agency responsible for protective and investigative services for pupils referred in cases of suspected child abuse;

- f. Representatives and persons outside the school who have been authorized by the written consent of the parent 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 or adult pupil;
 - g. 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
 - h. 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 pupil anonymity and confidentiality will be strictly guarded.
2. A request for inspection of pupil 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.
 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 flagged to prevent inadvertent clerical alteration. The flag will be removed when the review occurs.
 4. Where access has been requested by a person other than a parent or pupil or teaching staff member educationally responsible for the pupil, access will generally be limited to the record or portion of the record relevant to the purpose for which access was granted.
 5. 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.
 6. Except for inspection by a parent, 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. A record may be withheld from a parent or pupil 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 pupil or to a person with whom the record is concerned. The parent or pupil 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.
 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 who, in the judgment of the custodian of the record, might otherwise be prevented from exercising his or her rights of access and appeal under rules governing access to pupil records and the due process rights of educationally disabled pupils.

E. Release of Information

d, other than directory information, may be released only to the following persons and
ns:

sponsibilities, the board of education may receive information contained in a pupil's
h information must be made to the chief school administrator by the board duly
will be presented by the chief school administrator to the board in private session,
e notified of the planned private discussion and, on the written request of the parent,
ssed in a public meeting.

nel 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.

12. A parent may be given information from that portion of another pupil's record that contains information about the
parent's child.

F. Transfer of Records

other school district in New Jersey, the custodian of the pupil' s records shall, within
trict's verification of the transfer:
dated records to the receiving district with written notice of the transfer to the parent

nitted records to the chief school administrator of the receiving district on the written
xcept that permitted records may be forwarded to the high school without written

inently 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 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.

3. The parent shall, on request, be provided with a copy of the records forwarded to another school district or
educational institution.

G. Appeal of Record

mpugning of allegedly inaccurate, irrelevant, or improper information; the insertion of
itary; and request a stay of disclosure, in accordance with the following appeal

a written request to the principal that includes the specific issues and allegations
rd and the relief sought.

ten days of the receipt of the request, meet with the parent to review the issues and
re relief sought.

parent is not granted at the review meeting, the parent will be notified of his or her right
to appeal the matter sequentially:

- to the chief school administrator in writing within ten days of the Principal's response
- to the board of education in writing within ten days of the Chief School Administrator's response
- to the Commissioner of Education in writing within ten days of the board's response.

3. An appeal to the board will be promptly heard in private session, unless the parent 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.
4. The board determination will include notification of the right of the parent to appeal to the Commissioner.
5. At all stages of the appeal process the parent 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 or adult pupil.
7. Appeals relating to the records of educationally disabled pupils will be processed in accordance with law.
8. Regardless of the outcome of the appeal, the parent 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.

G. Directory Information

1. Directory information may include a pupil'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, awards, the educational agency most recently attended by the pupil, and other, similarly non-intrusive information.
2. 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 pupil 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.
3. Except where a parent has requested that directory information about the pupil not be released, directory information may, without the consent of the parent, be:
 - a. Released to recognized representatives of the press for use in published reports on district activities; and
 - 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.

H. Review and Retention 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 may be destroyed only after:
 - a. The parent 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 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.

3. All other records will be destroyed after:
 - a. The parent has been notified of the pending destruction, and has consented in writing to the destructing; or
 - b. 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.

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

I. Annual Authorization

The board of education shall report annually at a public meeting a description of the types of pupil records it has authorized certified school personnel to collect and maintained.

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