

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 5125

STUDENT RECORDS

INTRODUCTION

Information about students which is considered essential in accomplishing the educational objectives of the Cherry Hill Public Schools, in promoting the welfare of the student, and complying to state statutes and administrative codes will be collected and maintained under the supervision of the building principal, school counselor, and the assistant superintendent(s), who have been designated by the Superintendent of Schools. The collection, maintenance, accessibility, dissemination and retention of such information will be controlled by administrative procedures designed to implement the primary tasks of the school while protecting individual rights in the best interest of the student and preserving the confidential nature of various types of records.

COLLECTION

Only information that is required to appropriately guide a student's educational program shall be collected and maintained in the Student Permanent Record File.

The Superintendent, or his designee, shall annually review, by sample, the contents of individual student files to determine that only required data is being collected.

MAINTENANCE AND SECURITY

Student records filed at the school level shall be maintained in a central location and under lock and key at all times. Student records filed at the central office level shall be maintained in the Office of Pupil Personnel Services under lock and key at all times. Secretarial and/or clerical employees of the Division of Pupil Personnel Services, grades 7-12 guidance departments, and the building principal's secretary may be given access by any individual named in this policy having authority to grant access to records for the purpose of updating statistical data or making copies of the record for dissemination to agencies or individuals named in this policy. When records are maintained in different locations, a notation in the central school file as to where such other records may be found, is required.

When records are stored in a computerized system, computer programmed security blocks are required to protect against any security violations of the records stored therein. To guard against the loss of pupil records, the school district must maintain an updated duplicate copy of pupil records (N.J.A.C. 6:3-6.4). Verification of sample pupil records generated from computer files will be performed annually at the building level by school officials.

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ACCESSIBILITY AND DISSEMINATION

The Student Permanent Record File is to be considered as absolutely confidential. Data contained in the file shall be available only to authorized organizations, agencies or persons as defined in N.J.A.C. 6:3-6.5.

Access to a student record shall be by request to the building principal, the assigned guidance counselor, Assistant Superintendent for Pupil Personnel Services, or the Superintendent of Schools. The granting of this request shall be based on the judgment of the above cited individuals. This responsibility may not be delegated to any other person.

Authorized organizations, agencies, and persons having access to student records shall include only:

1. The parent(s) or legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil under the age of 18, and the pupil who has the written permission of such parent(s) or guardian(s).
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(s) who have the written permission of such pupil except that the parent(s) shall have access without consent of the pupil as long as the pupil is financially dependent on the parent(s) and enrolled in the public school system or if the pupil has been declared legally incompetent by a court of appropriate jurisdiction.
4. Certified school personnel who have assigned educational responsibility for the pupil.
5. A district board of education, in order to fulfill its legal responsibilities as a board, has access through the superintendent of schools 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.
6. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of 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.

7. Accrediting organizations in order to carry out their accrediting functions.
8. 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.
9. 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:
 - (a) Mandated pupil records shall be forwarded to the receiving district with written notification to the parent(s) or adult pupil.
 - (b) 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 district.
 - (c) All records to be forwarded shall be sent to the superintendent or his or her designee of the school to which the pupil has transferred within 10 days after the transfer has been verified by the requesting school district.
 - (d) The Superintendent of Schools or his or her 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.
 - (e) The Superintendent of Schools or his or her designee of the school district of last attendance shall upon request, provide a parent(s) or an adult pupil with a copy of the records disclosed to other educational agencies or institutions.
 - (f) 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.
10. 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.

11. Organizations, agencies and persons from outside the school if they have the written consent of the parents(s) 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(s) or adult pupil.
 - (a) N.J.S.A. 18A:36-19.1 accords educational, occupational and military recruiters access to school facilities and student information directories, provided that any adult pupil or parent may request, in writing, to the Superintendent to be excused from participation in all recruitment programs or having their name appear in student information directories for all recruitment purposes.
12. Organizations, agencies and individuals outside the school, other than those specified in this rule, upon the presentation of a court order. Unless otherwise judicially instructed, the school district shall, prior to the disclosure of any pupil records to organizations, agencies or persons outside the school 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.
13. Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought and who satisfy the superintendent 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 superintendent prior to the release of information to the researcher.
14. The school may accept formal application to a post-secondary institution as an authorization to release official school records to that institution.

The parent(s), or legal guardian(s), foster parent(s) or parent surrogate(s), or adult pupil shall be permitted to inspect the total contents of the student's record unless specifically forbidden by law or the New Jersey Administrative Code. This review shall be by means of an appointment arranged within 10 days of the request, and shall be done in the presence of the building principal, the assigned counselor, the Assistant Superintendent for Pupil Personnel Services, or a member of the Child Study Team. A knowledgeable interpretation of the contents of the file shall be given as the file is reviewed.

CONDITIONS FOR ACCESS TO PUPIL RECORDS (N.J.A.C. 6:3-6.6).

All authorized organizations, agencies and persons defined in this policy shall have access to the records of a pupil, subject to the following conditions:

1. No pupil record shall be altered or destroyed during the time period between a written 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 superintendent or building principal or his or her designee.
3. The superintendent or building principal 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.
4. 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 the right to appeal this decision to the court issuing the order (N.J.A.C. 6:3-6.6).

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Parents and adult pupils shall be notified annually by the building principal of their rights in regard to pupil records and pupil participation in educational, occupational and military recruitment programs or having the pupil's name appear in student information directories for recruitment purposes.

The Child Study Team shall report summary findings and recommendations to the teacher(s), parent(s), or adult pupil(s) during an interpretative session for each case requiring evaluation.

RIGHTS OF APPEAL FOR PARENTS AND ADULT PUPILS (N.J.A.C. 6:3-6.7).

1. Pupil records are subject to challenge by parents and adult pupils on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies and persons. The parent may seek to:
 - (a) Expunge inaccurate, irrelevant or otherwise improper information from the pupil record.
 - (b) Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records.
 - (c) And/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in this subchapter.
2. To appeal, a parent or adult pupil must notify the Superintendent of Schools in writing of the specific issues relating to the pupil record. Within 10 days of notification, the Superintendent of Schools or his or her designee shall meet with the parent or adult pupil to revise the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent or adult pupil may appeal this decision either to the district board of education or the Commissioner of Education within 10 days. If appeal is made to the district board of education, a decision shall be rendered within 20 days. The decision of the district board of education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and rules adopted in accordance with such statute. At all stages of the appeal process, the parent or adult pupil shall be afforded in a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the pupil record with copies made available to the parent or adult pupil.

Appeals relating to the pupil records of educationally handicapped pupils shall be processed in accordance with the requirements of N.J.A.C. 6:28.

3. Regardless of the outcome of any appeal, a parent or adult pupil shall be permitted to place a statement in the pupil record commenting upon the information in the pupil record or setting forth any reasons 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.

RETENTION AND DESTRUCTION OF PUPIL RECORDS (N.J.A.C. 6:3-6.8).

1. A pupil record is considered to be incomplete and not subject to the provisions of the Department of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.
2. Upon graduation or permanent departure of a pupil from the school system, the parent or adult pupil shall be notified in writing by the building principal that a copy of the entire pupil record will be provided to them upon request.
3. The New Jersey public school district of last attendance 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(s) of parent(s) or guardian(s) and citizenship status.
4. No additions shall be made to the record after graduation or permanent departure without the proper written consent of the parent or adult pupil.
5. Information in pupil records, other than that described above 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 ensure parental permission has been unsuccessful.

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CONFIDENTIALITY

Information of a clinical nature obtained by the professional staff may be reviewed by other members of the professional staff when it is deemed necessary to promote the social, emotional and educational growth of the student. Information of this type shall be sent to other school districts only with written consent of the parent(s), legal guardian(s), or legally student-adult(s).

The Superintendent and Assistant Superintendent shall have the authority to review all school record information and expunge any data which does not conform to this policy, State Statutes and Administrative Codes.

It is the contention of the Board of Education that student records shall be considered highly confidential. A breach of confidentiality shall be subject to disciplinary action by the Board of Education.

DEFINITIONS

1. "Access" means the right to view, to make notes, and/or to have a reproduction of the pupil record made.
2. "Adult Pupil" means a person who is or was enrolled in the public school and who is at least 18 years of age or an emancipated minor.
3. "Directory" means a publication of a district board of education which includes the following information relating to a pupil: the student'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.
4. "Parent" means the natural parent(s) or legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. "Pupil" means a person who is or was enrolled in a public school.
6. "Pupil Record" means information related to an individual pupil gathered within or without the school system and maintained within the school system regardless of the physical form in which it is maintained. A pupil record includes information which is maintained for the purpose of second party review and not information recorded by any certified school personnel solely as a memory aid, not for use of a second party.

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7. "Parent Surrogate(s)" means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6:28-2.2 to act on behalf of a pupil whose parents are not available to assure the pupil's educational rights.

Legal References: <i>N.J.S.A. 2A:4A-60 et al.</i>	<i>Disclosure of juvenile information; penalties for disclosure</i>
<i>N.J.S.A. 18A:36-19</i>	<i>Pupil records; creation, maintenance and retention, security and access; regulations; nonliability</i>
<i>N.J.S.A. 18A:36-19a</i>	<i>Newly enrolled students; records and identification</i>
<i>N.J.S.A. 18A:36-19.1</i>	<i>Military recruiters; access to schools and student information directories</i>
<i>N.J.S.A. 18A:40-4</i>	<i>Examination for physical defects and screening of hearing of pupils; health records</i>
<i>N.J.S.A. 18A:40-19</i>	<i>Records and reports of tuberculosis testing; disposition; inspection</i>
<i>N.J.S.A. 26:5C-7 through -14</i>	<i>Acquired Immune Deficiency Syndrome</i>
<i>N.J.S.A. 47:1A-1 et seq.</i>	<i>Examination and copies of public records (Right to Know Law)</i>
<i>N.J.S.A. 47:3-15 et seq.</i>	<i>Destruction of Public Records Law</i>
<i>N.J.S.A. 52:17B-9.8a through -9.8c</i>	<i>Marking of missing child's school record</i>
<i>N.J.A.C. 6:3-6.1 et seq.</i>	<i>Pupil records</i>
<i>N.J.A.C. 6:8-4.1</i>	<i>Review of mandated programs and services</i>
<i>N.J.A.C. 6:9-5.1</i>	<i>Pupil records</i>
<i>N.J.A.C. 6:20-1.1</i>	<i>School register</i>
<i>N.J.A.C. 6:29-1.1 et seq.</i>	<i>Health, safety and physical education</i>
<i>See particularly:</i>	
<i>N.J.A.C. 6:29-1.2(b)iv, -1.4, -2.4, -6.3(b)2, -8, -10.6</i>	
<i>N.J.A.C. 6A:8-4.2</i>	<i>Documentation of student achievement</i>
<i>N.J.A.C. 6A:14-1.1 et seq.</i>	<i>Special Education</i>
<i>See particularly:</i>	
<i>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</i>	
<i>N.J.A.C. 6A:30-1.1 et seq.</i>	<i>Evaluation of the Performance of School Districts</i>
<i>N.J.A.C. 8:61-1.1</i>	<i>Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)</i>
<i>N.J.A.C. 15:3-2</i>	<i>State records manual</i>
<i>Attorney General's Executive Directive No. 1988-1</i>	
<i>20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act</i>	
<i>42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980</i>	
<i>42 CFR Part II</i>	
<i>Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)</i>	
<i>Manual for the Evaluation of Local School Districts (August 2000)</i>	

Formerly Policy JRB

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