

Regulation

STUDENT RECORDS

In accordance with the policy of the Frenchtown Board of Education and in conformance with the requirements of state and federal legislation, the following district rules are promulgated for the handling of individual pupil records:

Definitions

For purposes of this regulation:

- A. "Pupil records" shall be defined as any information concerning an individual pupil gathered from within or without this school system and maintained within the school system regardless of the form or place so employed, i.e.: in handwriting, printing on film, on tape, etc. Pupil records shall not include:
1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute. (For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the records and does not refer to an individual who permanently succeeds the maker of the record in his or her position);
 2. Records of a law enforcement unit of the school district which are maintained apart from the records described above, maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction. Provided that education records maintained by the district are not disclosed to the personnel of the law enforcement unit;
 3. Records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; created, maintained, or used only in connection with the provision of treatment to the student; and not disclosed to anyone other than individuals providing the treatment. Provided, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. (For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction.)
- B. "Parent" includes natural parent(s), legal guardian(s) or an individual acting as a parent of a pupil in the absence of a parent or guardian. It may be presumed the parent has the authority to exercise the rights of the pupil unless the district has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary;
- C. "Personally identifiable" means that the data or information includes:
1. The name of a student, the student's parent, or other family member;
 2. The address of the student;
 3. A personal identifier such as the student's social security number or student number;
 4. A list of personal characteristics which would make the student's identity easily traceable; or
 5. Other information which would make the student's identity easily traceable.

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- D. "Disclosure" means permitting access or the release, transfer, or other communication of education records of the pupil or the personally identifiable information contained therein, orally or in writing, or by electronic means or by any other means to any party;
- E. "Eligible student" means a pupil who has attained eighteen years of age or is attending an institution of postsecondary education;
- F. "Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, the most recent previous educational institution attended by the student and other similar information.

Mandated Records

In accordance with state mandate, the following records must be maintained:

- A. Personal data which identifies each pupil enrolled in the district, including name, address, date of birth, name of parents/guardians, citizenship, and sex; but may not include data which indicates religious or political affiliation of the pupil or parents (unless requested by the parent or adult student) or the labeling of the pupil as illegitimate;
- B. Record of daily attendance;
- C. Descriptions of pupil progress including courses taken and evaluations made. Grade level (or other program) assignment must also be recorded;
- D. Health history and status records compiled in accordance with state regulations including results of any physical examinations given by qualified district employees;
- E. All other records required to be kept by state regulations including records of children referred to the child study team.

Permitted Records

In accordance with a policy of the board of Education permission has also been granted to the administration to compile the following data regarding individual pupils:

- A. Observations and ratings of individual pupils by professional staff members acting within their sphere of competency;
- B. Samples of pupil work;
- C. Information obtained from professionally acceptable standard instruments of measurement such as: interest inventories, achievement tests, standardized intelligence tests;
- D. Authenticated information provided by a parent or adult pupil concerning achievements and other school activities which the pupil wants to make a part of the record.

No other record may be accumulated unless the collection of such facts has been authorized by the board.

Form of Records

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All anecdotal information collected about the pupil, whether part of the “mandated” or “permitted” pupil record, shall be authenticated information which has been dated and signed by the individual who originated the data. Hearsay information is not considered to be authenticated by this definition.

Maintenance of Records

It shall be the responsibility of the superintendent to assure the physical security of all pupil records, devise procedures for assuring access is limited to authorized persons only, and to maintain pupil records, devise procedures for assuring access is limited to authorized persons only, and to maintain pupil records concerning general matters. Pupil health records shall be maintained by the nurse. Records of handicapped pupils shall be maintained by the chairperson of the child study team.

Pupil records shall be reviewed annually by the person(s) designated responsibility for their maintenance in order to evaluate the educational relevance of the material contained therein. Each reviewer shall delete from the records data detrimental to the pupil and no longer descriptive of the pupil or education situation. Such data shall be destroyed and not be recorded elsewhere nor shall a record of such deletion be made.

Record of students who have completed secondary school or otherwise terminated their schooling shall be preserved permanently and shall include only name, date of birth, grade level completed, year of completion, subjects taken, grades received, credits awarded and attendance maintained. No addition shall be made to the records after graduation or permanent pupil departure without prior consent of the parent or adult pupil.

All records for each individual pupil shall be maintained together in the pupil’s school of attendance, provided that records for an individual pupil may be maintained in different location if there is a notation in the pupil’s central file as to which records are maintained by the district and where all records may be found.

Access to Records

Only authorized individuals, organizations or agencies shall be granted access to individual pupil records, except directory information, under any conditions. It may be presumed that the parent or eligible pupil has the authority to give consent unless the district has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides to the contrary. Where authorized individuals are other than the pupil, his/her parent, the adult pupil or professional staff member of the district, or are organizations or agencies, access shall be limited to those records requisite to the specific purpose to be served by such access. Those so authorized and the limiting conditions are:

- A. The parent of a pupil and the pupil who has written permission of such parent or the pupil granted access to his/her own records at the discretion of school authorities or the pupil who has reached the age of 16 and will terminate his/her education by discontinuance or by secondary school graduation;
- B. The adult pupil and the parent of such pupil who has his/her written permission, except that the parent shall have access without the consent of the adult pupil if the pupil is financially dependent on the parent and enrolled in the public school;
- C. Professional staff members who have assigned responsibility for the educational program of the pupil;
- D. Appropriate persons in case of emergency may be provided personally identifiable information from a student’s records if such knowledge is necessary to protect the health or safety of the pupil or other person, but in consideration of the following conditions:
 1. The seriousness of the threat to the health or safety of the student or other individuals;
 2. The need for the information to meet the emergency;

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3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
 4. The extent to which time is of essence in dealing with the emergency.
- E. Accrediting organizations in order to carry out their accrediting functions;
 - F. The parent of a pupil about whom information is contained on another pupil's record shall have access only to the specific information on the requested pupil;
 - G. Officials of other public school districts in which the pupil intends to enroll, except that a reasonable effort shall be made to inform the parent or the adult pupil of the release of mandated records, except where a formal sending receiving relationship exists. Copies of records shall be forwarded to the administrative officials of the school to which the pupil has been transferred within 30 days after the transfer has been verified by the present school district;
 - H. Organizations, agencies or persons outside the school provided they have the written consent of the parent or the adult pupil, except that these organizations shall not transfer pupil information to a third party without consent of the parent or adult pupil;
 - I. Organizations, agencies or persons outside the school upon the presentation of a court order provided that the parent or the adult pupil has been given at least three days notice (In writing, if practicable) of such order enumerating the requesting agency and the specific records requested. Only those records related to the specific purpose of the court order shall be disclosed;
 - J. Officers and employees of a state agency responsible for protective services to children engaged in investigations pursuant to law as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency;
 - K. The commissioner of education and members of the New Jersey Department of Education staff who have assigned responsibility necessitating the review of such records;
 - L. Researchers from state or federal government agencies, educational institutions, and the like who will be using records under strict conditions of anonymity and confidentiality.

Written Consent

The written consent required by the "Access to Records" paragraph of this regulation must be signed and dated by the parent or the eligible student giving the consent and shall include:

- A. A specification of the records to be disclosed;
- B. The purpose or purposes of the disclosure; and
- C. The party or class or parties to whom the disclosure may be made.

When a disclosure is made pursuant to the "Access to Records" paragraph the district shall, upon request, provide a copy of the record which is disclosed to the parent or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

Viewing of Records

Authorized individuals, organization and agencies as defined in (Access to Records) shall have access to the records of a pupil, subject to the following procedure:

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- A. Authorized individuals, organizations, agencies and persons from outside the school must have prior approval to view the records from the principal. Access to eligible persons must be granted within 2 school days (no more than twenty-five days) from the date of the request;
- B. No pupil records shall be altered or destroyed during the time period between a request to review the record and the actual review of the record;
- C. The superintendent shall be present during the period of inspection in order to be available for the interpretation of the records and to prevent the alteration, damage or loss of the record itself;
- D. All individuals, organization or agencies desiring access to the records of a pupil shall be required to sign a form which shall be kept permanently with the records and which shall specify the name(s) of the person(s) granted access, the reason access was granted, the date of inspection and the records studied;
- E. Upon request the superintendent shall provide for the interpretation of the pupil records in the dominant language of the authorized viewer;
- F. A record may be withheld from a parent or from an adult pupil, only when the person who originated the record demonstrates with clear and convincing proof to the superintendent that such disclosure would create a substantial risk of harm to the pupil or the person about whom the record deals;
- G. If the superintendent is convinced that the risk noted in (F) above is of such high degree, the parent or adult pupil shall be notified within five days that access to the record has been denied, and that the requestor has the right to a review by the commissioner of education in accordance with state rules.

Reproduction of Records

Upon request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer charged the following fees based upon total number of pages or parts thereof to be purchased without regard to the number of records being copied:

- A. Copies of records will be made available upon the payment of such price as established below:
 - 1. \$0.05 per page for letter sized pages and smaller;
 - 2. \$0.07 per page for legal sized pages and larger;
 - 3. When the actual cost to produce paper copies exceed the \$0.05 and \$0.07 rates the district may charge the actual cost of duplication;
 - 4. Electronic records (via e-mail and fax), must be provided free of charge;
 - 5. Actual cost must be charged when providing records in another medium (computer disk, CD-ROM, DVD).
- B. Copies may be requested and delivered by mail, provided the requester identifies the record accurately and submits payment in advance. Payment must include actual cost of postage;
- C. Copies of public records are not returnable.

Challenge to Records

- A. Pupil records are subject to challenge by parents and adult pupils on grounds of inaccuracy, irrelevancy, disclosure or denial of access to individuals, organizations or agencies; or violates law or policy, or the privacy or other rights of the pupil. The parent or adult pupil has the following rights:

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1. To seek expungement or correction of inaccurate, misleading, irrelevant, violates law or policy, invalid or otherwise improper information contained in the pupil record;
 2. To insert additional data as well as reasonable comments as to the accuracy of the records;
 3. To request an immediate stay of disclosure pending final determination of the challenge procedure.
- B. To appeal, a parent or adult pupil must notify the superintendent, in writing, of the specific issues relating to the pupil record.
1. Within ten days of notification, the superintendent or designee shall meet with the parent or adult pupil to review the issues set forth in the appeal;
 2. The superintendent shall decide whether to amend the educational records of the pupil in accordance with the request within a reasonable period of time following the meeting;
 3. If the superintendent decides to refuse to amend the education records of the pupil in accordance with the request, he/she shall so inform the parent of the pupil or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing.
- C. If the matter is not satisfactorily resolved, the parent or adult pupil may appeal this decision to the board of Education or the commissioner of education within ten days. If the appeal is made to the board, the hearing shall be conducted as follows:
1. The hearing shall be held within a reasonable period of time after the board has received the request, and the parent of the pupil or the eligible student shall be given notice of the date, place and time reasonable in advance of the hearing;
 2. The hearing shall be conducted by any party, including an official of the board who does not have a direct interest in the outcome of the hearing;
 3. The parent of the pupil or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expenses, including an attorney;
 4. The board shall make its decision in writing within a reasonable period of time after the conclusion of the hearing;
 5. The decision of the board shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- D. If, as a result of the hearing, the board decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the pupil accordingly and so inform the parent of the pupil or the eligible student in writing;
- E. If, as a result of the hearing, the board decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the pupil, it shall inform the parent or eligible student of the right to place in the education records of the pupil a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the board. Any explanation placed in the education records of the pupil under this section shall:
1. Be maintained by the board as part of the education records of the pupil as long as the record or contested portion thereof is maintained by the board;
 2. If the education records of the pupil or the contested portion thereof is disclosed by the district to any party, the explanation shall also be disclosed to that party;
 3. The decision of the local board may be appealed to the commissioner pursuant to state law and code.

Right to Know

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- A. Parents shall be notified annually in their dominant language at the start of the school year by individual notice of their rights under these regulations. Such notice may be made by individual means or in a student handbook, catalog or newspaper, or by bulletin board;
- B. Copies of this policy and regulations along with applicable state and federal regulations regarding pupil records shall be made available to parents on request;
- C. Upon the graduation or permanent departure of a pupil from the school system, the parent or adult pupil shall be notified that a copy of the entire pupil record will be provided to them upon request;
- D. Parents and eligible students shall be notified of the material designated as “directory information” and given the right to refuse to permit the release of any of all such designated material with respect to that pupil within ten school days of such notification;
- E. Parents and eligible students shall be informed that the district forwards education records on request to a school in which the pupil seek or intends to enroll.

Waiver of Rights

- A. A parent of a pupil or a pupil as appropriate may waive any of his/her rights under this regulation provided such waiver is signed by the parent or pupil as appropriate;
- B. A parent may be requested but may not be required to waive rights hereunder;
- C. A waiver may be made with respect to certain types or records;
- D. A waiver may be revoked in writing at any time. An eligible student may revoke a waiver made previously by his/her parents.

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