

**COMPILATION, MAINTENANCE, ACCESS TO
AND CONFIDENTIALITY OF PUPIL RECORDS**

It is the policy of the Holmdel Board of Education to compile, maintain and control access of pupil records according to N.J.A.C. 6:3-6.1 thru 6.8

Procedures:

I. DEFINITIONS

- A. Access - right to view, make notes and/or have a reproduction made.
- B. Adult Pupil - at least 18 years old or an emancipated minor, or is attending an institution of postsecondary education.
- C. Parent - natural (divorced or separated), guardian, adoptive foster, surrogate, or agency with legal custody, provided rights have not been terminated by court order.
- D. Pupil - a person who is or was enrolled in a public school.
- E. Pupil record - information regardless of form which is maintained for the purpose of second party review.
- F. Student Information Directory - publication of Board which includes following pupil information:
 - 1. Student's name
 - 2. Address
 - 3. Telephone number
 - 4. Grade level
 - 5. Date and place of birth
 - 6. Dates of attendance
 - 7. Major field of study
 - 8. Participation in officially recognized activities
 - 9. Weight/height related to athletic team
 - 10. Degrees
 - 11. Awards
 - 12. Most recent educational agency attended by pupil
 - 13. Other similar information

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II. BOARD OF EDUCATION

A. Notification

1. Shall notify parents and adult pupil annually in writing of their rights and pupil participation in educational, occupational and military recruitment programs.
 - a. Copies of State and Federal laws and local policies shall be made available upon request.
 - b. Efforts will be made to notify parents in proficient language or provide interpretation of adult pupil and/or parent if parents are deaf.

B. Responsibility

1. Regulate access
2. Regulate disclosure or communication of information
3. Compile and maintain pupil records

Note: If mandated and/or permitted records as part of State administered entitlement or discretionary funds must be maintained for five years after completion of program.

4. Establish written policies and procedures for pupil records which
 - a. guarantee access to authorized persons within 10 days of request.
 - b. assure security of the records.
 - c. enumerate and describe pupil records collected and maintained.
 - d. provide for the inclusion of educationally relevant information by the parent or adult pupil.
 - e. allow for the designation, release and public notice of directory information.
 - f. accord educational, occupational and military recruiters access to school facilities and student information directories pursuant to N.J.S.A. 18A:36-19.1 provided that the parent or adult pupil has not written to the Superintendent to be excused from all recruitment programs or have his/her name removed from directories for recruitment purposes.
 - g. assure compliance of limited access by secretarial and clerical personnel.
 - h. provide for the access and security of records maintained in a computerized system.

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5. Shall not compile any other pupil records except mandated and permitted.
6. May charge a reasonable fee for reproduction, N.J.S.A. 47:1A-2.
7. Discuss pupil record information in executive session unless otherwise requested by parent or adult pupil.
8. Hear an appeal made by parent or adult pupil and render a decision within 20 days.

III. PUPIL RECORDS

- A. 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 certified school personnel who originate them.
- B. All anecdotal information and assessment reports collected on a pupil shall be dated and signed by the originator.
- C. Records for individual pupil shall be maintained in a central file at the school attended by pupil. When maintained in a different location, a notation is required.
- D. "Mandated" are those pupil records which the schools have been directed to compile by N.J. Statute, regulation or authorized administrative directive.
 1. Personal data which identifies each pupil enrolled in the school district.
 - a. Pupil's name
 - b. Address
 - c. Date of birth
 - d. Name of parents
 - e. Citizenship
 - f. Sex
 - (1) cannot label illegitimate
 - (2) cannot record religious or political affiliation of pupil and/or parents unless requested to do so in writing
 2. Record of daily attendance
 3. Description of pupil progress, grade level or other program assignments.
 4. History and status of physical health compiled in accordance with state regulations.

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5. Records pursuant to rules and regulations governing the educationally disabled.
 6. All other records required by the State Board of Education.
- E. "Permitted" are those pupil records which the Holmdel Township Board of Education has authorized to be collected by resolution and adopted at a regular public meeting.
1. The Superintendent shall authorize annually that certified personnel review records to determine educational relevance and destroy data no longer descriptive of the pupil or educational situation. Destruction of records shall be according to N.J.A.C. 6:3-6.8
 2. Authorized records approved by the Board of Education:
 - a. All records of declined eligibility or declassified students used for assessment, IEP, evaluation, and due process, pursuant to Chapter 28.
 - b. Student lists maintained by support agencies for use in counseling, mental health services, etc. and not in violation of existing code.
 - c. Conduct reports
 - d. Student contracts
 - e. Reports, assessment, evaluations conducted as part of prereferral and/or inclusion in local intervention programs. (PAC)
 - f. Kindergarten screening results
 - g. Historical record of crisis incidents not in violation of existing code.
 - h. Health-related conferences
 - i. Speech, physical, and/or occupation therapy daily reports and observations
 - j. Accident reports
 - k. Child Study Team Consultation Sheet. (Not Special Education).
 - l. Confidential and non-confidential teacher information request forms
 - m. Research and evaluation reports
 - n. Suspension notices
 - o. Custody papers
 - p. Notes and prescriptions
 - q. Discipline reports
 - r. Counselor summary reports
 - s. Letters of recommendation
 - t. Interim progress reports
 - u. Detention lists
 - v. Student schedules
 - w. College and career placements lists

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IV. TRANSFER, RETENTION, AND DESTRUCTION

A. Transfer

1. Upon permanent departure from the Holmdel school system
 - a. Parent/adult pupil shall be notified in writing that a copy of entire pupil record will be provided upon request.
 - b. No additions shall be made to the records after transfer without written, parent/adult pupil permission.
 - c. All original Mandated records are to be sent to receiving N.J. district with written notification to parents/adult pupil.
 - d. All Permitted records shall be forwarded to receiving N.J. district, only after getting written parental/adult pupil consent.
 - e. All approved records shall be sent to the Superintendent or his/her designee of the N.J. school district where pupil transferred to within ten (10) days after transfer has been verified by that requesting school district.
 - f. The C.S.A. or his/her designee shall request in writing all pupil records from the school district of last attendance within two (2) weeks from the date that the pupil enrolls in the Holmdel district.
 - g. When transferring out of state or to in-state private school, but not schools for the handicapped and placed by district CST, only copies of the file shall be forwarded with parent/adult pupil permission.
 - h. Proper identification, such as a certified copy of pupil's birth certificate, shall be requested at the time of enrollment in the Holmdel school district.

B. Retention

1. The N.J. public school district of last enrollment shall be responsible for maintaining a pupil's records upon graduation or permanent departure from the school, and shall keep in perpetuity a permanent record of:
 - a. Pupil's name
 - b. Date of birth
 - c. Sex
 - d. Address
 - e. Telephone number
 - f. Grades
 - g. Attendance record
 - h. Classes attended
 - i. Grade level completed

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- j. Year completed
- k. Names of parents
- l. Citizenship status

- 2. Director of Special Services shall maintain the original records of an educationally disabled pupil attending private or public out-of-district schools. At age 21, the records shall be placed in district's central storage file.

C. Destruction

- 1. A pupil record is considered incomplete while a student is enrolled in district.
- 2. Mandated records of currently enrolled pupils may be destroyed after information is no longer necessary to provide educational services (except B. Retention 1; a-l) and with parental/adult pupil notification and written permission.
- 3. Upon graduation or permanent departure from system
 - a. (except B. Retention 1; a-l)
 - b. with parental/adult pupil written notification and written parental/adult pupil permission, or after reasonable attempts at both have been unsuccessful.
 - c. A parent or adult pupil may request a copy of the file; or receive original records (except B. Retention 1; a-l).
- 4. Annually, Permitted Records that are no longer descriptive of the pupil or educational situation with parental/adult pupil notification.

V. ACCESS

A. Security

- 1. The Superintendent and designees shall be responsible for the security of pupil records.

Note: When stored in computerized system, computer programmed security blocks are required and duplicate copy of computerized records shall be maintained.

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2. No liability shall be attached to any member, officer or employee of the Board permitting access or furnishing records in accordance with procedures and rules 6:3-6.2.
- B. School Personnel
1. Certified district personnel who have assigned educational responsibility for the pupil
 2. Members of the Holmdel Township Board of Education, through the Superintendent, in order to meet their legal responsibilities
 3. Secretarial and clerical personnel under the direct supervision of certified school personnel, but only to those portions of record where it is necessary to enter, record data and complete routine clerical tasks
- C. Agencies
1. Commissioner of Education and members of N.J. Department of Education with assigned responsibilities
 2. Officials of other districts in which pupil is placed, registered or intends to enroll as indicated in (A. Transfer; c-f)
 3. Officers and employees of state agency responsible for protective and investigative services (ex. D.Y.F.S.) pursuant to N.J.S.A. 9:6-8.40
 4. Agencies that have obtained written consent from parent or adult pupil; however, they may not transfer to a third party
 5. Agencies with a court order
 6. Access is guaranteed to all authorized persons within 10 days of request, but prior to any review or hearing conducted in accordance with State Board of Education regulations
 7. Officials of the U.S. Dept. of Education with assigned responsibilities requiring a review of records
- D. Organizations
1. Accrediting organizations in order to carry out their accrediting functions
 2. Organizations that have obtained written consent from parent or adult pupil, but they may not transfer to a third party
 3. Organization with a court order
 4. Access is guaranteed to all authorized persons within 10 days of request, but prior to any review or hearing conducted in accordance with State Board of Education regulations

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E. Persons

1. The parent(s) of a pupil under the age of 18 and the pupil who has the written permission of such parent(s)
2. Pupils at least 16 years who are terminating their education or no longer plan to continue
3. The adult pupil and parent(s) who have written permission; however, if pupil is financially dependent and enrolled in school system or if pupil was declared legally incompetent parents do not need adult pupil consent.
4. A nonadult pupil may assert access right through parents
5. Nothing prohibits school personnel, in their discretion, from disclosing pupil records in an emergency to protect health or safety of pupil or others
6. Parents shall have access to only that portion of another pupil's record that contains information about his or her own child
7. Persons that have obtained written consent from parent or adult pupil
8. Person with a court order
9. Bona fide researchers who
 - a. must explain in writing, the project and relevance of the pupil records
 - b. must assure anonymity and confidentiality
 - c. sent to superintendent in writing prior to any release of records
10. Access is guaranteed to all authorized persons within 10 days of request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

F. Conditions for Access

1. No pupil record shall be altered or destroyed during time period between written request to review and actual review.
2. Authorized organizations, agencies and persons from outside district requiring parental consent must submit their request in writing with authorization to the Superintendent.
3. The Superintendent or designees shall be present during the period of inspection.
 - a. if not parents or pupil, must record each person granted access, reason granted, time and circumstances, the records studied, and purpose and use of data.
 - b. no alteration, damage, or loss of records is allowed.
4. With a court order disclosure, unless judicially prohibited
 - a. A district staff member shall notify parent or adult pupil of name of requesting agency and specific records being requested within 3 days.

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- b. Notification should be in writing if practical.
 - c. Only specific records as indicated by court order should be provided.
5. A record may be withheld from parent/adult pupil, or pupil under 18 when the Superintendent feels that disclosure would create substantial risk of harm to pupil or person concerned with record.
 - a. Superintendent shall notify in writing of denial within five days and the right of appeal to the Commissioner.
 - b. Commissioner appoints review professional and makes a determination within 30 days of the receipt of request.
6. Before allowing access of pupil information directory, parent or adult pupil has a ten (10) day period to submit a written statement to the Superintendent prohibiting such disclosure.

VI. APPEALS

- A. To appeal, a parent or adult pupil must notify Superintendent in writing of the specific issues relating to pupil record. At all stages of the appeal process, the parent/adult pupil shall be afforded a full and fair opportunity to present evidence relevant to the issue. Areas of challenge may include: expunge inaccurate irrelevant or otherwise improper information; insert additional data as well as reasonable comments of clarification; request immediate stay of disclosure pending final determination of the challenge procedure.
 1. Within ten (10) days of notification, the Superintendent or his/her designee meets to review issues.
 2. If not resolved, parent may appeal to the Holmdel Township Board of Education or Commissioner of Education within ten (10) days if to Board, a decision is rendered in twenty (20) days.
 3. A record of appeal proceedings becomes part of the pupil record.
 4. Appeals relating to disabled pupils are processed under N.J.A.C. 6:28-2.
 5. A parent or adult pupil shall be permitted to place a statement in the record of reasons for any disagreement with that record.
 - a. Such statements are maintained as part of record for as long as it is contested.
 - b. This contested comment may be disclosed if properly authorized.

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Source: Regular Board Meeting

Date: August 20, 1986

Revised:

Legal References:

<u>N.J.S.A.</u>	18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A.</u>	18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u>	18A:36-19.1	Military recruiters; access to schools and student information directories
<u>N.J.S.A.</u>	18A:40-4	Examination for physical defects and screening of hearing of pupils; health records
<u>N.J.S.A.</u>	18A:40-19	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A.</u>	47:1A	Examination and copies of public records (Right to Know Law)
<u>N.J.S.A.</u>	47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C.</u>	6:3-6	Pupil records
<u>N.J.A.C.</u>	6:8-4.10	State and Federally mandated programs and services
<u>N.J.A.C.</u>	6:20-1.1	School register
<u>N.J.A.C.</u>	6:28	Special education
See particularly:		
<u>N.J.A.C.</u>	6:28-1.1(n)	
	1.4(a)3,-2.9,	
	6.2(j),-7.8,	
	8.2	
<u>N.J.A.C.</u>	6:29	Health, safety and physical education
See particularly:		
<u>N.J.A.C.</u>	6:29-1.2(b)1iv,	
	1.4,2.4,-3.2(d)4,	
	6.3(b)2,10.6(a)(b)	

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<u>N.J.A.C.</u>	6:29-10.6	Confidentiality of pupil or staff member involvement in intervention and treatment programs.
<u>N.J.A.C.</u>	8:61-1.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C.</u>	15:3-2	State records manual

Attorney General's Executive Directive No. 1988-1

Family Educational and Privacy Rights Act, 20 U.S.C.A. 1232g

Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment

Rehabilitation Act of 1980, 42 U.S.C.A. 4541 et seq. 42 CFR Part II

Plainfield Board of Education v. Cooperman 105 NJ 587 (1987)

Manual for the Evaluation of Local School Districts (June 1993)

Possible

Cross References:

*1110	Media
*1120	Board of education meetings
3543	Office services
*3570	District records and reports
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*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

*Indicates policy is included in the Critical Policy Reference Manual.

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