

REGULATION

PUPIL RECORDS

In accordance with the policy of the Holmdel Township Board of Education and in conformance with the requirements of state and federal law and code, the following district rules are promulgated for the handling of individual pupil records.

Definitions

- A. "Pupil" means a person who is or was enrolled in a public school.
- B. "Adult pupil" means a person who is at least 18 years of age, an emancipated minor, or is attending an institution of post-secondary education.
- C. "Parent" means the natural parent; divorced or separated parent; guardian; adoptive, foster or surrogate parent; or agency with legal custody, provided rights have not been terminated by court order.
- D. "Pupil record" information, regardless of form, which is maintained for the purpose of second party review.
- E. "Access" means the right to view, to make notes, and/or to have a reproduction of the pupil record made.
- F. "Permanent Records" - A cumulative permanent record is maintained on file and includes the following pupil information:
  - 1. Student's name
  - 2. Social Security Number
  - 3. Address
  - 4. Telephone number
  - 5. Family Information
  - 6. Grade level
  - 7. Date and place of birth
  - 8. Dates of attendance
  - 9. Major field of study
  - 10. Participation in officially recognized activities
  - 11. Health Information
  - 12. Degrees
  - 13. Awards
  - 14. Most recent educational agency attended by pupil
  - 15. Other similar information



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- G. "Consent" means the right of a secondary school student or the parent to request that the student's name, address, and telephone listing not be released.
- H. "Days" refer to school days.
- I. "Directory Information" means name, address, and telephone listing.

### Access

Parents/guardians shall be notified at least annually of their rights in regard to pupil records and have access to copies of the applicable state and federal laws and local policies available upon request. Efforts will be made to make such notification in the language of the parent/guardian. Should the parental rights of one or the other parent 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 rights to review pupil records should be denied the person whose rights have been terminated.

A nonadult secondary pupil may assert rights of access directly or through a parent/guardian. However, nothing in these rules shall be construed to prohibit certified school personnel, at their discretion, from disclosing 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.

All anecdotal information and assessment reports collected for the pupil's permanent record shall be dated and signed by the individual who originated the data.

### Maintenance

The Superintendent shall require all pupil records of currently enrolled pupils to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewed 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.

No liability shall attach to any member, officer or employee of the Holmdel Township Board of Education permitting access or furnishing pupil records in accordance with these rules and regulations.

When the parents'/guardians' dominant language is not English, the district shall make every effort to:

- A. Provide interpretation of the pupil record in the dominant language of the parent/guardian; or

B. Assist parents/guardians in securing an interpreter.

I. BOARD OF EDUCATION

A. Notification

Shall notify parents and adult pupil annually in writing of their rights and pupil participation in educational, occupational and military recruitment programs.

1. Copies of state and federal laws and local policies shall be made available upon request.
2. Efforts to notify parents in proficient language or provide interpretation for adult pupil and/or if parents are deaf.

B. Responsibility

1. Regulate access
2. Regulate disclosure or communication of information
3. Compile and maintain pupil records. If mandated and/or permitted records as part of State administered entitlement or discretionary funds, records 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.
5. Shall not compile any other pupil records except mandated and permitted.

6. May charge a reasonable fee for reproduction, in accordance with N.J.S.A. 47:1A-2.
7. May discuss pupil record information in Board of Education executive sessions.
8. Hear an appeal made by parent or adult pupil and render a decision within 20 school days from receipt of the appeal to meet the Board's legal responsibilities and/or where such discussions are appropriate to the deliberations of the Board of Education.

II. 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 an individual pupil shall be maintained in a central file at the school attended by the pupil or in a different location, if a notation is made in the school file.
- 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/guardians
    - e. citizenship
    - f. sex
    - g. cannot label illegitimate
    - h. 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.
  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

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 preferred and/or inclusion in local intervention programs. (eg. 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. Individualized Educational Plan
- 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. Report cards
- u. Interim Progress Reports
- v. Detention lists
- w. Student schedules
- x. College and career placements lists
- y. Registration information including, but not limited to residency verification

F. Records of Classified Pupils

1. All records of handicapped pupils shall be maintained in accordance with administrative code and established procedures which will ensure proper accessibility and confidentiality.
2. A special confidential file shall be maintained listing the code numbers assigned to handicapped pupils on whose behalf the Board of Education must take public action. Motions concerning handicapped 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.
3. 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 educationally handicapped pupils under N.J.A.C. 6:3-6 shall be obtained according to N.J.A.C. 6:28-1.3 "Consent" and N.J.A.C. 6:28-2.3(c).

III. TRANSFER, RETENTION, AND DESTRUCTION

A. Transfer

1. Upon graduation or permanent departure from the Holmdel Township school system

- a. The parent/adult pupil shall be notified in writing that a copy of entire pupil record will be provided upon request.
- b. No additions to the records shall be made after graduation or 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 school district where pupil transferred to within ten (10) days after the transfer has been verified by requesting school district.
- f. The Superintendent or his/her designee shall request all pupil records in writing from the school district of last attendance within two (2) weeks from the date that the pupil enrolls in the new district.
- g. Transferring out of state or to in-state private school, but not schools for the handicapped and placed by district CST, is considered as permanent departure from school system.
- 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. attendance record
  - g. classes attended
  - h. grade level completed
  - i. year completed
  - j. names of parents/guardians
  - k. citizenship status
- 2. The Director of Special Services shall maintain the records of an educationally disabled pupil attending private or public out-of-district schools. At age 21, the records will be placed in district's central storage file.

C. Destruction

- 1. A pupil record is considered incomplete while the 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-1)
4. Annually, permitted records that are no longer descriptive of the pupil or educational situation with parental/adult pupil notification.

IV. ACCESS

A. Security

1. The Superintendent and designees shall be responsible for the security of pupil records when stored in a computerized system, computer programmed security blocks are required and a duplicate copy of computerized records should be maintained.
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 shall have access to the pupil records.
2. The Board of Education in order to meet its legal responsibilities shall have access to pupil records through the Superintendent.
3. Secretarial and clerical personnel under the direct supervision of certified school personnel, shall have access only to those portions of the records where it is necessary to enter, record data and handle routine clerical tasks.

C. Agencies

1. Commissioner of Education and members of N.J. Department of Education with assigned responsibilities.

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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 agencies 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, these agencies may not transfer consent to a third party.)
  5. Agencies with a court order.
  6. Access is guaranteed to all authorized persons within 10 school 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. Department 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. (However, these organizations may not transfer consent 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.
- 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 of age who are terminating their education or no longer plan to continue.
  3. The adult pupil, and parent(s) who have written permission if pupil is financially dependent and enrolled in the 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 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
  - a. must explain in writing, the project and relevance of the pupil records to the project.
  - 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 Superintendent.
3. The Superintendent or designees shall be present during period of inspection.
  - a. If not parents or pupil, the school official 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 permitted.
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 three (3) days.
  - 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 5 school days, and 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 have a ten (10) day period to submit a written statement to the Superintendent prohibiting such disclosure.

V. APPEALS

- A. To appeal, a parent or adult pupil must notify the Superintendent in writing of the specific issues relating to the 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) school 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) school days. If the appeal goes to the Board, a decision is rendered in twenty (20) school 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.

**DATE:** January 22, 1997

**REVISED:** November 20, 2002

