

POLICY

SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

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STUDENT RECORDS (M)

8330 STUDENT RECORDS (M)

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The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, and authorized administrative directive and those records permitted by this Board. ~~No liability shall be attached to any member, officer, or employee of this Board for the furnishing of student records in accordance with law and rules.~~

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education. The Board of Education aligns with and fully supports the New Jersey Department of Education efforts to create an inclusive environment in which transgender and non-binary students feel safe and supported, and to ensure that each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq. This commitment includes all applicable legal rights for current and former students regarding student records of any kind, including but not limited to names on report cards, transcripts, and rosters. See Policy 5756 - Transgender and Nonbinary Students.

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General Considerations

The Board shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents/guardians and adult students in their dominant language.



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A non-adult student may assert rights of access only through ~~their his or her~~ parent(s)/guardian(s). However, nothing in N.J.A.C. 6A:32-7 shall be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

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No liability shall be attached to any member, officer, or employee of the Board permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq. Student Information Directory

A student information directory is a publication of the Board that includes information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school 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 student; and other similar information. The student information directory shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and is not for general public consumption.

In the event the school district publishes a student information directory, the Superintendent or designee will provide a parent or adult student a ten-day period to submit to the Superintendent a written statement prohibiting the school district from including any or all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and 20 U.S.C. §8528 - Armed Forces Recruiter Access to Students and Student Recruiting Information of the Elementary and Secondary Education Act (ESEA) of 1965. In accordance with N.J.S.A. 18A:36-19.1, military recruiters will be provided the same access to a student information directory that is provided to educational and occupational recruiters.

School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school district that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The district shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.



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Notification of Rights

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Parents or legal guardians and adult students shall annually be notified in writing of their rights regarding student records, including the right to prohibit the release of "directory information", as described within this policy. Copies of applicable federal and State laws, Board policy, and administrative regulations governing student records will be made available to parent or legal guardians and adult students on request.

When the language of the parent or legal guardian or adult student is not English or the parent or legal guardian or adult student is deaf, the Superintendent or his/her administrative designee shall, whenever possible, provide interpretation in the dominant language or assist in securing an interpreter.

Content of Records

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The District may only compile student records that are "mandated" or "permitted."

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Mandated records include the student's name, address, date of birth, name of parent(s), citizenship and sex, daily attendance records, progress reports, and physical health records; records required for disabled students; grade level and program assignments; history and status of physical health in accordance with State regulations; records pursuant to rules and regulations regarding the educationally handicapped students; and all other records required by the State Board of Education.

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Permitted records are those that the Board has authorized by resolution adopted at a regular public meeting to be collected in order to promote the educational welfare of the student.

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The collection of the following permitted records is authorized to promote the student's educational welfare:

1. Personally authenticated observations, assessments, ratings and anecdotal reports recorded and signed by teaching staff members in the performance of their professional responsibilities and intended for review by another authorized person;
2. Information, scores and results obtained from standardized tests or approved tests conducted by professional personnel;



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- ~~3. — Educationally relevant information provided by the parent/legal guardian or adult student regarding the student's achievements, school activities, physical, mental or emotional status;~~
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- ~~4. — Correspondence with the student and/or the student's parent/legal guardian;~~
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- ~~5. — Driver education certificate;~~
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- ~~6. — Emergency notification form;~~
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- ~~7. — New student registration form;~~
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- ~~8. — Withdrawal or transfer form;~~
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- ~~9. — Change of schedule form;~~
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- ~~10. — Records pertaining to behavioral issues, disciplinary infractions, penalties and disciplinary hearings;~~
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- ~~11. — Records and documents related to the student's co-curricular/athletic activities;~~
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- ~~12. — Class rank;~~
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- ~~13. — Awards and honors;~~
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- ~~14. — Entries indicating review of the file by an authorized person;~~
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- ~~15. — DYFS reports and records in accordance with law;~~
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- ~~16. — Section 504 records;~~
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- ~~17. — Intervention Committee records;~~
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- ~~18. — Any records related to any administrative or legal proceedings, grievance or complaint filed on behalf of the student or against the student;~~
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- ~~19. — Any statement of parents/guardians or adult students regarding a contested portion of a student's record; and~~
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- ~~20. — transportation records.~~



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Mandated and Permitted Student Records

- Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

- Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare. The Board shall authorize the permitted records to be collected by adopting Policy and Regulation 8330, which will list such permitted records.

Maintenance and Security of Student Records

- The Superintendent or designee shall be responsible for the security of student records maintained in the school district. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

- Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures shall be administered.

- Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

- Any district internet website shall not disclose any personally identifiable information about a student without receiving prior written consent from the student's parent/guardian or adult student, as applicable, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.

Access to Student Records

- Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within

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ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents/guardians or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

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Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records.

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with N.J.A.C. 6A:32-7 – Student Records, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. shall have access to the records of a student subject to conditions outlined in N.J.A.C. 6A:32-7.6(a).

Rights of Appeal for Parents/Guardians and Adult Students

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Student records are subject to challenge by parents/guardians and adult students on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

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To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the parent/guardian or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b).

Regardless of the outcome of any appeal, a parent/guardian or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements shall be maintained as part of the student 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 shall also be disclosed to that party.

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Retention and Disposal of Student Records

A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of after the information is no longer necessary to provide educational services to a student and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a student from the school district, the parent/guardian or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2.

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No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent/guardian or adult student.

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In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents,



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gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

The District will develop and implement a protocol for the storage and retrieval of student records.

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N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4;

18A:40-19

N.J.A.C. 6A:32-7.1; 6A:32-7.2; 6A:32-7.3;

6A:32-7.4; 6A:32-7.5;

6A:32-7.6; 6A:32-7.7; 6A:32-7.8

20 U.S.C. §8528

~~In all cases, information in student records must be educationally relevant, objective, and based on the first hand observation or personal knowledge of the originator. No record may be made or kept of a student's religious or political affiliation or of any indication of a student's illegitimacy.~~

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~~Any school records with HIV identifying information will be maintained in accordance with the standards set forth in N.J.S.A. 26:5C-1 et seq.~~

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~~The Board will describe annually at a public meeting a description or list of the types of student records that professional employees have been authorized to collect and maintain.~~

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Directory Information

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~~The Board designates as student "directory information" a student's name, address, telephone number, grade level, date and place of birth, dates of enrollment, photograph (or video or computer image reproduction), participation in officially recognized activities and sports, degrees, honors and awards received, previous school districts attended, the height and weight of members of district athletic teams and other, similarly nonintrusive specific information.~~

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~~Directory information is used to list student information in certain school publications, like drama productions or annual yearbooks. Directory information may also be released without specific permission, except when such release is prohibited by a parent or legal guardian or adult student.~~

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~~A student information directory may be compiled for recruitment purposes in accordance with law. In accordance with Federal law, the District shall provide military recruiters or~~



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~~institutions of higher education, upon request, a directory to include student names, addresses and telephone numbers, unless a parent has prohibited such release in writing.~~

~~The District must provide notice to parents of the types of student information that it releases as "directory information." The notice must include an explanation of a parent's right to request that the information not be disclosed prior to written consent. The notice must also notify parents that the District discloses directory information to military recruiters upon request. The District may provide the notice through a mailing, student handbook, or other method that is reasonably calculated to inform parents of this provision.~~

~~Parents or legal guardians or adult students shall be provided with a ten (10) day period to submit a written statement to the Superintendent or his/her designee to prohibit the school district from including any and all types of information about the student in any information directory before allowing access to such directory to third parties including educational, occupational and military recruiters.~~

~~Collection and Maintenance of Records~~

~~A central file will be compiled for each student and will be maintained in the office of the school to which the student has been assigned or, in the case of students assigned to a school or program outside the district, in the office of the Child Study Team. If any record regarding a student is required to be kept outside that file, a notation of its existence and location must be kept in the central file.~~

~~The Superintendent shall be responsible for the security of student records and shall designate appropriate custodians of the records. The Superintendent shall insure that all persons collecting or using personally identifiable information are trained regarding the confidentiality of personally identifiable information.~~

~~Parents or legal guardians or adult students shall be informed when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.~~

~~The Superintendent shall require the destruction of information in accordance with law and the rules of the State Board of Education when no longer needed to provide educational services at the request of the parent or legal guardian except for the student's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, name of parent or legal guardian(s) and citizenship status.~~

~~The Superintendent shall obtain proper identification of new students, such as a certified copy of the student's certificate of birth.~~



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~~Computerized Records~~

~~Student records stored electronically in a computerized system must be protected by programmed security blocks and safeguards that insure both access to the full record by authorized persons and complete security against access by unauthorized persons. A duplicate of student records will also be maintained and will be subject to all the restrictions of law and this policy.~~

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~~Access to Records~~

~~Access to student records will be available only to the student's parent or legal guardian, the adult student, appropriate school personnel acting in the educational interest of the student, and such others as may be permitted access by rules of the State Board of Education. Access by parents or legal guardians and adult students may be denied only when the Board obtains a court order or receives evidence of a court order revoking the right of access. The Board shall notify the parent or legal guardian or adult student within five days of the date the order is obtained or evidence of the order is received that the request for access is denied. The parent or legal guardian or adult student may appeal the denial to the court that issued the order.~~

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~~The Board is permitted access to student records only through the Superintendent or his/her administrative designee. Secretarial and clerical personnel are permitted access to student records only to the extent necessary in the performance of their responsibilities, under the direct supervision of teaching staff members.~~

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~~Copies of student records may be made by those permitted access to them at the fee established for the reproduction of public records.~~

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~~A request for access to the record or reproduction of any of its contents must be granted or denied within ten days but no later than twenty four (24) hours prior to any hearing or review to which the requested record is pertinent. No record shall be altered or destroyed between the time the written request is made and the record is reviewed.~~

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~~Information in a student's record may be released by a teaching staff member to the student, minor or adult, and to other appropriate persons in an emergency and for the purpose of protecting the health and safety of the student or other persons.~~

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~~Appeal of Record~~

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~~A parent or legal guardian or adult student may challenge the student's record and may request the addition of material or comments or the deletion of material from the record. The parent or legal guardian or adult student may request a stay of disclosure pending final determination of any such challenge. An appeal must be made in writing to the Superintendent, who shall attempt to resolve the issue within ten days. The issue may be further appealed, within ten days of the Superintendent's determination, to the Commissioner of Education or the Board of Education. Any appeal made to the Board will be determined within twenty days and after opportunity has been offered for a hearing. A record of the appeal will be made part of the student's record.~~

~~Review, Transfer, Preservation, and Destruction~~

~~The records of currently enrolled students will be reviewed annually by appropriate certified school personnel designated by the Superintendent, and permitted records that are no longer educationally relevant may be deleted. The reviewer shall cause data no longer descriptive of the student or educational situation to be deleted from the records, except that no information shall be deleted from the record of a classified student without prior notice to the parent or legal guardian or adult student. No record shall be kept of any such deletion or the materials deleted. Mandated information no longer necessary for the provision of educational services may also be destroyed, provided the parent or legal guardian or adult student has given written consent to the destruction or reasonable efforts to notify the parent or legal guardian or student and secure consent have been unsuccessful.~~

~~Within two weeks of the time that a student transfers into the district, the Superintendent or his/her designee must request in writing a copy of the student's records from the last school attended. When a student transfers to another district, the Superintendent or his/her designee shall provide records, including disciplinary records, upon written request from the receiving district. When a student transfers to a private or parochial school, the Superintendent or his/her designee shall provide the student's disciplinary records with respect to suspension or expulsion upon written request from the private school. While consent from parents, guardians or adult students is not required prior to the release of disciplinary records, the Superintendent or his/her designee must notify the parents, guardians or adult student when the disciplinary records of a student are transferred to a school outside the district or to a private school.~~

~~A student's records will be sent to the New Jersey School District to which the student transfers within ten days of the new district's verification of the transfer, in accordance with State Board rules. A student's records will be sent to the private or parochial school to which the student transfers in accordance with the Federal No Child Left Behind Act of 2001. The parent or legal guardian or adult student will be notified in writing that the mandated educational information is being released to public, private or parochial schools~~



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~~where the student is now enrolled or intends to enroll or that a copy of the entire student record will be provided upon request. No additions will be made to the student's record without the written consent of the parent or legal guardian or adult student.~~

~~When a student is no longer enrolled in this district, those records mandated for retention by rules of the State Board of Education will be preserved in perpetuity. When a student transfers to another public school district and appropriate records have been sent to the receiving school, all other records will be destroyed, except that the student profile form, with attachments, of a student evaluated by Special Review Assessment will be retained for one year after the student's class graduates.~~

~~N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19~~

Cross References: 5756

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Adopted: 19 April 2004

First Reading: February 24, 2022

Second Reading:

Adopted:

