

8330 PUPIL RECORDS

The Board of Education believes that information about individual pupils must be compiled and maintained in the interest of the pupil's educational welfare and advancement. The Board will strive to balance the pupil's right to privacy against the district's need to collect, retain, and use information about individual pupils and groups of pupils. The Board authorizes the establishment and maintenance of pupil files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

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.

General Considerations

The Board of Education shall compile and maintain pupil 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. 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 the certified school personnel who originate the record. The district shall provide annual, written notification to parents, adult pupils, and emancipated minors of their rights in regard to pupil records and pupil 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 district shall make every effort to notify parents and adult pupils in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel, , from disclosing pupil records to non-adult 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.

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

Pupil Information Directory

A pupil information directory is a publication of the Board of Education that includes information relating to a pupil 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 pupil; and other similar information. The pupil

information directory shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. In the event the district publishes a pupil information directory, the Superintendent or designee will provide a parent or adult pupil a ten-day period to submit a written statement to the Superintendent prohibiting the school district from including any or all types of information about the pupil in any pupil 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 P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.

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 pupil: 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 pupil information directory. The pupil contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the pupil in question. To exclude any information from the school contact directory for official use, the parent, adult pupil, or emancipated minor shall notify the Superintendent or designee in writing.

Mandated and Permitted Pupil Records

Mandated pupil 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 pupil records are those pupil records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the pupil'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 Pupil Records

The Superintendent or designee shall be responsible for the security of pupil 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 pupil may be stored electronically or in paper format. When pupil records are stored electronically, proper security and back-up procedures shall be administered. Pupil health records, whether stored on paper or electronically, shall be maintained separately from other pupil records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil'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 pupil, without receiving prior written consent from the pupil's parent, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means pupil names; pupil photos; pupil addresses; pupil e-mail addresses; pupil phone numbers; and location and times of class trips.

Access to Pupil Records

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to pupil records, including pupil health records. Access to pupil records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within 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 pupil 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 pupil 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 or adult pupils from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding pupils with disabilities including N.J.A.C. 6A:14.

Access to and disclosure of a pupil'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 pupil records, including pupil 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 pupil health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the pupil 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 Pupil 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 pupil subject to conditions outlined in N.J.A.C. 6A:32-7.6(a)

Rights of Appeal for Parents and Adult Pupils

Pupil records are subject to challenge by parents and adult pupils 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).

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

Appeals relating to pupil records for pupils 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 or adult pupil shall be permitted to place in the pupil record a statement commenting upon the information in the record or setting forth any reasons for disagreement with the decision made in the appeal. 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 shall also be disclosed to that party.

Retention and Disposal of Pupil Records

A pupil 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 pupil is enrolled in the school district. The school district shall retain the pupil 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.

Pupil records of currently enrolled pupils, 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 pupil and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a pupil from the school district, the parent or adult pupil shall be notified in writing that a copy of the entire pupil record will be provided to them upon request. Information in pupil 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

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

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 pupil from the school district shall keep for 100 years a mandated record of a pupil's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

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

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A. Definitions (N.J.A.C. 6A:32-2.1)

1. “Access” means the right to view, make notes, and/or reproduce a pupil record.
2. “Adult pupil” means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.
3. “Mandated pupil records” means those pupil records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.
4. “Parent” means the natural or adoptive parent, legal guardian, surrogate appointed according to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a personal legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. In addition, a foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent’s authority to make educational decisions on the pupil’s behalf has been terminated by a court of appropriate jurisdiction.
5. “Permitted pupil records” means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of pupils.
6. “Pupil record” means information related to an individual pupil gathered within or outside the school district and maintained within the school district regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second party review is considered a pupil record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party, is excluded from this definition.
7. “Pupil information directory” means a publication of the Board of Education that includes information relating to a pupil. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public

consumption. The information shall be the pupil's: name; 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.

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board of Education 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.
2. 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 the certified school personnel who originate(s) the record.
3. The school district shall provide annual, written notification to parents, adult pupils, and emancipated minors of their rights in regard to pupil records and pupil 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 district shall make every effort to notify parents and adult pupils in their dominant language.
4. A non-adult pupil may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330 shall be construed to prohibit certified school personnel from disclosing at their discretion pupil records to non-adult 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.
5. The parent or adult pupil shall have access to their own records and have access to or be specifically informed about only that portion of another pupil's record that contains information about his or her own child or himself or herself.
6. The Superintendent or designee shall require all permitted pupil records of currently enrolled pupils to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the pupil or educational program to be deleted from the records except that prior notice shall be given for classified pupils in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

7. No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing pupil records in accordance with N.J.A.C. 6A32-7.1 et seq.
8. When the parent's or adult pupil's dominant language is not English or the parent or adult pupil is deaf, the district shall provide interpretation of the pupil's records in the dominant language of the parents or adult pupil.
9. Pupil health records shall be maintained separately from other pupil records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 et seq., until such time as graduation or termination whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record.

C. School Contact Directory for Official use (N.J.A.C. 6A:32-7.2)

1. The Board of Education shall compile and maintain a school contact directory for official use, that is separate and distinct from the pupil information directory.
 - a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel who are currently providing services to the pupil in question.
 - b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider who is currently providing services to the pupil in question, school personnel shall promptly verify the enrollment of a pupil and provide the requester with all the information about that pupil that is contained in the school contact directory for official use.
2. To exclude any information from the school contact directory for official use, the parent adult pupil, or emancipated minor shall notify the Superintendent or designee in writing.

D. Mandated and Permitted Pupil Records (N.J.A.C. 6A:32-7.3)

1. Mandated pupil records shall include the following:
 - a. The pupil's name, address, telephone number, date of birth, name of parent(s), gender, , standardized assessment results, grades, attendance, classes attended, grade level completed, year completed and years of attendance;

- b. Record of daily attendance;
 - c. Descriptions of pupil progress according to the system of pupil evaluation used in the school district;
 - d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;
 - e. Records pursuant to rules and regulations regarding the education of pupils with disabilities; and
 - f. All other records required by N.J.A.C. 6A.
2. Permitted pupil records are those pupil records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the pupil's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records may include, but are not limited to:
- a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a pupil's record when it is reviewed by any other person, including a substitute;
 - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - c. Educationally relevant information provided by the parent, adult pupil, or emancipated minor regarding the pupil's achievements or school activities;
 - d. Any correspondence with the pupil and/or the pupil's parents;
 - e. Driver education certificate;
 - f. Emergency notification form;
 - g. New pupil registration form;
 - h. Withdrawal or transfer form;
 - i. Change of schedule form;
 - j. Records of disciplinary infractions, penalties, and disciplinary hearings;
 - k. Records of the pupil's co-curricular and athletic activities and achievements;

- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file;
- o. The statement from a pupil's parent, adult pupil, or emancipated minor regarding a contested portion of the record; and
- p. Entries indicating review of the file by an authorized person.

E. Maintenance and Security of Pupil Records (N.J.A.C. 6A:32-7.4)

- 1. The Superintendent or designee shall be responsible for the security of pupil records maintained in the school district and shall devise procedures/regulations for assuring that access to such records is limited to authorized persons.. Policy and Regulation 8330 assures that access to such records is limited to authorized persons.
- 2. Records for each individual pupil may be stored either electronically or in paper format. When student records are stored electronically, proper security and backup procedures shall be administered.
- 3. Pupil health records, whether stored on paper or electronically, shall be maintained separately from other pupil records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record. .
- 4. Records shall be accessible during the hours in which the school program is in operation.
- 5. Mandated pupil records required as part of programs established through State administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age twenty-three, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
- 6. Any district website shall not disclose any personally identifiable information about a pupil, in accordance with N.J.S.A. 18A:36-35.

F. Access to Pupil Records (N.J.A.C. 6A:32-7.5)

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

2. The district shall control access to, disclosure of, and communication regarding information contained in pupil health records to assure access only to people permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.
3. 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 or adult pupils from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding pupils with disabilities including N.J.A.C. 6A:14.
4. Access to and disclosure of a pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Pupil Records (N.J.A.C. 6A:7.5(e))

Access shall include only the following:

1. A pupil who has the written permission of a parent and the parent of a pupil under the age of eighteen whether or not the child resides with the parent except per N.J.S.A. 9:2:
 - a. The place of residence shall not be disclosed; and
 - b. Access shall not be provided if denied by a court.
2. Pupils at least sixteen 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. An adult pupil and parent who has the written permission of an adult pupil, except that the parent shall have access without consent of the pupil as long as the pupil is financially dependent on the parent and enrolled in the public school system or if the pupil has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult pupil may not disclose information contained in the adult pupil's record to a second or third party without the consent of the adult pupil.

4. Certified school district personnel who are assigned educational responsibility for the pupil shall have access to the general pupil record but not to the pupil health record except under conditions permitted in N.J.A.C. 6A:16-2.4.
5. Certified educational personnel who have assigned educational responsibility for the pupil and who are employed by agencies listed below shall have access to the general pupil record, but not to the pupil health record except under conditions permitted in N.J.A.C. 6:16-2.4:
 - a. An approved private school for the disabled;
 - b. A State facility;
 - c. Accredited nonpublic schools in which pupils with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
 - d. Clinics and agencies approved by the Department of Education.
6. To fulfill its legal responsibility, the Board of Education shall have access through the Superintendent or 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.
7. 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 pupil files in which such staff are directed to enter or record information and shall cease when the specific assigned task is completed.
8. Accrediting organizations in order to carry out their accrediting functions.
9. The Commissioner of Education and members of the New Jersey Department of Education staff members who are assigned responsibility which necessitates the review of such records.
10. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the pupil is placed, registered, or seeks to enroll subject to the following conditions:
 - a. Original mandated pupil records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult pupil;

- b. Original mandated pupil records that a Board of Education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult pupil except where a formal sending-receiving relationship exists between the school districts;
 - c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the pupil has transferred within ten school days after the transfer has been verified by the requesting school district;
 - d. The Superintendent or designee shall request in writing all pupil records from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district;
 - e. Upon request the Superintendent or designee of the school district of last attendance shall provide a parent(s) or an adult pupil with a copy of the records disclosed to other educational agencies or institutions; and
 - f. Proper identification, such as a certified copy of the pupil's birth certificate, or other proof of the child's identity pursuant to N.J.S.A 18A:36-25.1, shall be requested at the time of enrollment in a new school district.
- 11. Officials of the United States Department of Education who have assigned responsibilities that necessitate review of such records.
 - 12. Officers and employees of a State agency responsible for protective and investigative services for pupils referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Education shall ask the State agency for its cooperation in sharing the findings of an investigation.
 - 13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);
 - 14. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult pupil. Organizations, agencies, and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil.
 - 15. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order.

16. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Researchers shall also satisfy the Superintendent or designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher.
17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and 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.
18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 - the Family Educational Rights and Privacy Act (FERPA).

H. Conditions for Access to Pupil Records (N.J.A.C. 6A:32-7.6)

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. as listed below shall have access to the records of a pupil subject to the following conditions:

1. No pupil record shall be altered or disposed of during the time period between a 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 shall submit to the Superintendent or designee the request in writing together with any required authorization.
3. The Superintendent or 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, pupil, or individuals who have assigned educational responsibility for the individual pupil, an entry shall be made in the pupil's 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. Prior to disclosure of pupil records to organizations, agencies, or persons outside the school district pursuant to a court order, the Superintendent or designee shall give the parent or adult pupil at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. Such notification shall be provided in writing if practicable. Only records related to the specific purpose of the court order shall be disclosed.

Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).

5. A record may be withheld from a parent or from an adult pupil only when the district 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 shall be withheld. When the district 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.

I. Rights of Appeal for Parents and Adult Pupils (N.J.A.C. 6A:32-7.7)

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 or adult pupil may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the pupil's record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.
2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:
 - a. A parent or adult pupil shall notify in writing the Superintendent of the specific issues relating to the pupil's record.
 - b. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult pupil of the school district's decision.
 - c. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult pupil to resolve the issues set forth in the appeal.
 - d. If the matter is not satisfactorily resolved, the parent or adult pupil has ten school days to appeal this decision to the Board of Education
 - e. If an appeal is made to the Board of Education, a decision shall be rendered within twenty school days. The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:43, Controversies and Disputes.

- f. At all stages of the appeal process, the parent or adult pupil shall be afforded 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's record with copies made available to the parent or adult pupil.
 3. Appeals relating to the records of pupils with disabilities shall be processed in accordance with the requirements of I.2. above.
 4. Regardless of the outcome of any appeal, a parent or adult pupil shall be permitted to place in the pupil record a statement commenting upon the information in the pupil record or setting forth any reasons for disagreement with the decision made in the appeal.
 - a. Such statements shall be maintained as part of the pupil's 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.
- J. Retention and Disposal of Pupil Records (N.J.A.C. 6A:32-7.8)
1. A pupil's 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 pupil is enrolled in the school district.

The school district shall retain the pupil 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.
 2. Pupil records of currently enrolled pupils, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of after the information is no longer necessary to provide educational services to a pupil.

Such disposition 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 secure parental or adult pupil permission have been unsuccessful.
 3. Upon graduation or permanent departure of a pupil from the school district:
 - a. The parent or adult pupil shall be notified in writing that a copy of the entire pupil's record will be provided to them upon request.

- b Information in pupil records, other than that described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.
 - c Such disposition 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 at such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful, and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.
- 4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult pupil.
 - 5. The New Jersey public school district of last enrollment, graduation, or permanent departure of the pupil from the school district shall keep for one hundred years a mandated record of a pupil's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

In Effect: December 11, 2007
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