

POLICY

LIVINGSTON BOARD OF EDUCATION

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STUDENT RECORDS (M)

8330 STUDENT RECORDS (M)

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, authorized administrative directive, and those records permitted by this Board.

The Superintendent shall prepare and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

~~For purposes of this Policy:~~

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1. ~~“Adult student” means a student who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.~~

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2. ~~“Parent” means the natural or adoptive parent, the legal guardian, surrogate parent, or a person acting in place of a parent in accordance with N.J.A.C. 6A:32 2.1. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. “Parent” shall also include, for the purposes of N.J.A.C. 6A:32, the adult student. 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 student's behalf has been terminated by a court of appropriate jurisdiction.~~

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General Considerations

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 certified school personnel who originate the record. The district shall notify parents and adult students annually in writing 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 district shall make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel, at their discretion, from disclosing student records to non-adult students or to appropriate persons



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in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

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

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Student Information Directory

A student information directory is a publication of a school district that includes student information as defined in N.J.A.C. 6A:32-2.1. In the event the district publishes information included in the student information directory, the Superintendent or designee will inform parents or adult students of such publication, and parents or adult students will be afforded a ten-day period to submit a written statement to the Superintendent prohibiting the school district from including any and 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 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.

~~Alumni Directory~~

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~~The District will annually provide graduating seniors notice that it intends to provide student directory information to a third party responsible for creating an alumni directory. In accordance with FERPA, each graduating senior, or their legal guardian if under the age of 18, will have an adequate opportunity to request that the District not disclose the information to the third party.~~

School Contact Directory for Official Use

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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.

The district shall compile and maintain, but need not publish, a school contact directory for official use, which is separate and distinct from the student information directory. School personnel shall provide information from the school contact directory for official use only to



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~~judicial, law enforcement, and medical personnel who are currently providing services to the student in question. In order for a parent or adult student to exclude any information from the school contact directory for official use, the parent or adult student shall notify the Superintendent or designee in writing on a form prescribed by the Commissioner of Education.~~

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 records authorized by the Board to be collected in order to promote the educational welfare of the student. The Board shall authorize the permitted records to be collected by adopting at a regular public Board meeting a resolution listing such permitted records or 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.

~~Records for each individual student shall be maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.~~

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.

~~Student health records shall be maintained and located in a locked cabinet or room in the school building or complex where the student is assigned. Records kept in electronic form shall be both accessible and secure. Student health records 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.~~



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~~Security blocks will be installed for records stored in any computer system to protect against any security violations of the records stored therein. To guard against the loss of student records, the district shall maintain an updated hard copy and backup versions of student records.~~

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~~Any district internet website shall not disclose any personally identifiable information about a student without receiving prior written consent from the student's parent, 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.~~

~~Any district internet website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.~~

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 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 those authorized organizations, agencies, and persons under the conditions permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The district will charge a reasonable fee for reproduction, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-~~25~~, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or under rules and regulations regarding students with disabilities, ~~including N.J.A.C. 6A:14.~~

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.~~



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~~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).~~

~~The following authorized organizations, agencies, and persons shall have access to student records:~~

- ~~1. The student who has the written permission of a parent and the parent of a student under the age of eighteen whether or not the child resides with that parent except per N.J.S.A. 9:2-4; the place of residence shall not be disclosed and access shall not be provided if denied by a court.~~
- ~~2. Students 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. The adult student and the student's parent who has the written permission of such student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student.~~
- ~~4. Certified school district personnel who have assigned educational responsibility for the student shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-1.5.~~
- ~~5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies as indicated in N.J.A.C. 6A:32-7.5(e)5 shall have access to the general student record, but not to the student health record, except under conditions permitted in N.J.A.C. 6A:16-1.5.~~
- ~~6. In order to fulfill its legal responsibility as a Board, the Board has access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student.~~



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- ~~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 those student files 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; the Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records.~~
- ~~9. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:~~
 - ~~a. Original mandated student records school districts 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 student;~~
 - ~~b. Original permitted student records which the Board has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student 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 student has transferred within ten school days after the transfer has been verified by the requesting school district;~~
 - ~~d. The Superintendent or designee shall request all student records in writing from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;~~
 - ~~e. The Superintendent or designee of the school district of last attendance shall upon request, provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and~~



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~~f. Proper identification, such as a certified copy of the student's birth certificate, shall be requested at the time of enrollment in a new school district.~~

~~10. Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records.~~

~~11. Officers and employees of a State agency who are responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the district shall ask such State agency for its cooperation in sharing the findings of the investigation.~~

~~12. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student, except that these organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student.~~

~~13. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order.~~

~~14. Bona fide researchers who explain in writing, in advance to the Superintendent, the nature of the research project and the relevance of the records sought and who satisfy the Superintendent or designee that the records are to 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.~~

~~Nothing 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 providing access to student records in accordance with N.J.A.C. 6A:32-7.5, 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).



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~~All authorized organizations, agencies, and persons with access to student records shall have access to the records of a student subject to the following conditions:~~

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~~1. No student 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.~~

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~~2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit their request in writing together with any required authorization to the Superintendent or designee.~~

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~~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 student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student'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.~~

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~~4. Unless otherwise judicially instructed, the district shall, prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a court order, give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the court order shall be disclosed.~~

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~~5. A record may be withheld from a parent of a student under eighteen or from an adult student 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 may be withheld. When the district has or obtains evidence of such court order, the parent or adult student 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.~~

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Rights of Appeal for Parents and Adult Students



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Student records are subject to challenge by parents 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).

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 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 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.

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:

1. A parent or adult student shall notify the Superintendent in writing of the specific issues relating to the student's record.
2. Within ten days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.
3. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to revise the issues set forth in the appeal.
4. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision either to the Board of Education or the Commissioner of Education within ten days.
5. If appeal is made to the Board of Education, a decision shall be rendered within twenty days. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4, Appeals.
6. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue.



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~~A record of the appeal proceedings and outcome shall be made part of the student's record with copies made available to the parent or adult student.~~

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of ~~4 through 6 above~~ N.J.A.C. 6A:32-7.7(b).

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Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place a statement in the student's record commenting upon the information in the student's record or setting forth any reasons for disagreement with the decision of the agency. Such statements shall be maintained as part of the student'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.

Retention and Disposal of Student Records

A student'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 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 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.

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

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. Student records of currently enrolled students, other than that described in 1. below, may be disposed of after the information is no longer necessary to provide educational services to a student. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.~~

~~Upon graduation or permanent departure of a student from the school district, the parent or adult student shall be notified in writing that a copy of the entire student's record will be provided to them upon request. Information in student records, other than that described in 1. 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. Such disposition shall be accomplished only after written parental or adult student notification and written parental or student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey Department of State, Records Committee.~~

- ~~1. 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, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.~~

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

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
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

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