



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

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POLICY #4

SUBJECT: Pupil Records

EFFECTIVE DATE: September 30, 1986

REVISED: December 29, 1998

A. OBJECTIVE

To assure that Department of Children and Families' Office of Education (OOE) and state facility programs conform to the requirements of state and federal law regarding compiling, maintaining, securing, disclosing, allowing access to, communicating information from and destroying pupil records.

B. STANDARDS

The Educational Supervisor (ES) for each state facility program and the OOE Manager of Child Study Services are designated as custodians of their respective records with responsibility for maintaining, screening, reviewing and disclosing records.

The ES for each state facility program and the OOE Manager of Child Study Services are responsible for the security of their respective records and shall assure authorized persons and organizations access to these records at a convenient time and place within the limits stipulated by N.J.A.C. 6:3 and this policy.

Records for pupils placed in a state operated or contracted program shall be maintained at the education program site or Child Study Team (CST) Regional Office. All educational records shall be maintained in files separate from juvenile

justice and other non-educational records required to be safeguarded from public inspection by N.J.S.A. 2A:4-65.

Records shall be maintained at the OOE or CST Regional Office for pupils with no identifiable district of residence as defined in N.J.S.A. 18A:7B-12 (i.e., "**state responsible**" pupils), and for pupils placed out-of-state by the Division of Developmental Disabilities and/or the Division of Youth and Family Services.

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.

Every effort shall be made to provide interpretation of the pupil record in the dominant language of the parent(s) or adult pupil.

No liability shall be attached to any employee of the Department of Children and Families permitting access or furnishing pupil records in accordance with N.J.A.C. 6:3-6 et seq. and this policy.

C. PUPIL RECORDS

1. For any pupil entering a state facility program, the ES shall request educational records in writing from the pupil's district of residence and/or previous educational placement as soon as possible, but no later than two weeks from the date the pupil enrolled in the facility. **Specific procedures are contained in the Educational Supervisor/CST Manual.**
2. For any pupil exiting a state facility program, the ES shall transfer the pupil record within ten days to the responsible district board of education as defined in N.J.S.A. 18A:7B-12, in order to assure credit for work completed. **Specific procedures are contained in the Educational Supervisor/CST Manual.**
3. For all pupils exiting a state facility program, the ES shall forward the mandated pupil records to the receiving district with written notification to the parent or adult pupil. Permitted records shall be forwarded to the receiving district only with the written consent of the parent or adult pupil. In most cases where parental consent is unobtainable or denied, permitted records shall be forwarded to the parent(s) or adult pupil. However, the DCF' OOE may request a due process hearing when consent to release pupil record information is refused by the parent(s). **Specific procedures are contained in the Educational Supervisor/CST Manual.**
4. The ES shall, upon request, provide parent(s) or an adult pupil with a copy of the records disclosed to other educational agencies or institutions.
5. The ES shall require all permitted pupil records of currently enrolled pupils to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. Data no longer descriptive of the pupil or the educational situation shall be deleted from

the record. **Prior notice of the deletion of permitted records must be given for pupils with educational disabilities in accordance with N.J.A.C. 6A:14.** Such information shall be destroyed and not recorded elsewhere. No record of any such deletion shall be made.

6. All anecdotal information and assessment reports collected on a pupil shall be dated and signed by the individual who originated the data.
7. The ES shall notify parents and adult pupils annually in writing of their rights in regard to pupil records. Copies of the applicable state and federal laws and this policy shall be made available upon written request. Every effort shall be made to notify parents and adult pupils in their dominant language.
8. The OOE Administrator of Education Programs and Child Study Services or designee shall maintain a student information directory for all "state responsible" pupils. The directory shall include the following information **(if applicable)** relating to the pupil: a) the student's name; b) address; c) telephone number; d) grade level; e) date and place of birth; f) dates of attendance; g) major field of study; h) participation in officially recognized activities; i) degrees; and j) awards.
9. The parent/state agency responsible for a pupil or an adult pupil shall be provided with a ten day period to submit a written statement to the OOE Administrator of Education Programs and Child Study Services or designee prohibiting the inclusion of any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to N.J.S.A. 18A:36-19.1.
10. For pupils with educational disabilities, the parent(s) or adult pupil or their designated representative shall be permitted to inspect and review the contents of the pupil's records maintained by the OOE or state facility program without unnecessary delay and before any meeting regarding the individualized education program.
11. Educationally relevant information provided by the parent or adult pupil shall be included in the pupil record.
12. The ES shall compile a list of the types and locations of pupil records collected, maintained or used by the facility. This list shall be provided to the parent(s) or adult pupil upon request.

D. MANDATED AND PERMITTED PUPIL RECORDS

1. The OOE and state facility programs shall not compile any other pupil records except mandated and permitted records as defined in (3) below.
2. Mandated pupil records shall include the following:

- a) Personal data which identifies each pupil enrolled in the program. These data shall include the pupil's name, address, date of birth, name of parent(s), citizenship status and sex of the pupil. DCF education programs are prohibited from recording the religious or political affiliation of the pupil and/or parent unless requested to do so in writing by the parent of adult pupil or from labeling the pupil illegitimate;
 - b) Record of daily attendance;
 - c) Descriptions of pupil progress and grade level and other program assignments.
 - d) History and status of physical health including the results of any physical examinations;
 - e) Records pursuant to the rules and regulations regarding the education of pupils with educational disabilities;
 - f) An Individualized Program Plan for general education pupils in accordance with N.J.A.C. 6:9-2.5;
 - g) A discharge summary for pupils exiting state facility programs in accordance with N.J.A.C. 6:9-2.5. This report shall include: 1) a designated contact person; 2) academic and vocational assessment information and diagnostic findings; 3) credit earned toward high school graduation requirements; 4) required skills and competency level; 5) grade level equivalent; 6) vocational training experience; and 7) an Individualized Program Plan or Individualized Education Program for pupils with educational disabilities (**Specific procedures are contained in the Educational Supervisor/CST Manual**); and
 - h) All other records required by the State Board of Education.
3. Permitted pupil records are those authorized by the OOE to be collected in order to promote the educational welfare of the pupil. These records must also comply with this policy as to relevance and objectivity. The OOE has authorized the following to be maintained as permitted records:
- a) Referral for Adult Services (Chapter 32 documentation);
 - b) Phone Log Concerning Pupil;
 - c) Emergency Data;
 - d) Transfer Cards; and
 - e) Parental Consent Forms other than those required by NJAC 6A:14.

E. MAINTENANCE AND SECURITY OF PUPIL RECORDS

1. The ES and the OOE Manager of Child Study Services shall assume responsibility for the security of their respective pupil records and shall assure that access to such records is limited to authorized persons.
2. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.
3. Pupil records at each state facility program or the OOE are to be maintained in file cabinets or a room which is capable of being locked. Keys for the cabinets and/or rooms shall be maintained by the ES or the OOE Manager of Child Study Services respectively.
4. Records stored in a computerized system shall require computer programmed security blocks to protect against any security violations of the records stored therein. The security codes for accessing the computer records shall be maintained by the ES or OOE Manager of Child Study Services and the individual secretaries charged with the responsibility for records maintenance. To guard against loss of pupil records, a duplicate copy of the pupil records must be maintained.
5. An access sheet shall be affixed to the folder of each pupil record. The sheet shall be designed to allow the following information to be entered: a) the names of persons granted access; b) the reason access was granted; c) the date, time and circumstances of inspection; d) the records studied; and e) the purposes for which data will be used.
6. For "state responsible" pupils, mandated or permitted records required as part of programs established through state administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained by the OOE for a period of five years after completion of the program activities.

F. ACCESS TO PUPIL RECORDS

1. Only authorized organizations, agencies or persons as defined in this policy shall have access to pupil records. The ES and the OOE Manager of Child Study Services shall allow access to authorized persons within ten days of receiving a request, but prior to any review or hearing conducted in accordance with the State Board of Education rules.
2. The facility shall maintain a current list of the names and positions of those employees within the educational program who have access to personally identifiable information.
3. All persons collecting or using personally identifiable information shall receive training regarding the confidentiality of personally identifiable information.

4. Copies of records shall be provided free of charge to the adult pupil, parent(s), and the pupil's district of residence. Each program may charge other authorized parties a reasonable fee for reproduction not to exceed the actual cost.
5. Authorized organizations, agencies and persons shall include only:
 - a) The parent of a pupil under the age of 18 and the pupil who has written permission of such parent;
 - b) Pupils at least 16 years of age who are terminating their education in the district because they will graduate from a secondary education program at the end of the term or no longer plan to continue their education;
 - c) The adult pupil and the pupil's parent who has written permission of such 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;
 - d) Certified school district personnel who have assigned educational responsibility for the pupil;
 - e) Certified educational personnel who have assigned educational responsibility for the pupil and who are employed by: a) an approved private school for the handicapped; b) accredited non-public schools in which pupils with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or c) clinics and agencies approved by the Department of Education;
 - f) The OOE, in order to fulfill its legal responsibility, has access through the Director or his or her designee to information contained in a pupil's record;
 - g) Secretarial and clerical personnel under direct supervision of the ES for each state facility program or the OOE Manager of Child Study Services shall be permitted access to those portions of the record to the extent that it is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those pupil files which such staff are directed to enter or record information and shall cease when the specific assigned task is completed;
 - h) Accrediting organizations in order to carry out their accrediting functions;

- i) 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;
 - j) Officials of other district boards of education within the state in which the pupil is placed, registered or intends to enroll;
 - k) Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records;
 - l) Officers and employees of a state agency who are responsible for protective and investigative services for pupils referred to that agency pursuant to N.J.S.A. 9:6-8.40;
 - m) Organizations, agencies and persons from outside the school if they have written consent of the parent or adult pupil, except that these organizations, agencies and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil;
 - n) Organizations, agencies and individuals outside the school, other than those specified in this section, upon the presentation of a court order;
 - o) The Chief Executive Officer of a state facility program; and
 - p) Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought and who satisfy the Director, OOE that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Director, OOE prior to the release of information to the researcher.
6. A non-adult pupil may assert rights of access only through his or her parents. However, nothing in this policy shall be construed to prohibit certified school personnel, in their discretion, 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.
 7. The parent or adult pupil shall either 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 him or herself.
 8. When pupil records contain information on more than one child, other names and identifying information shall be deleted.

G. CONDITIONS FOR ACCESS TO PUPIL RECORDS

1. All authorized organizations, agencies and persons defined in this policy shall have access to the records of a pupil, subject to the following conditions:
 - a) No pupil record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record.
 - b) Authorized organizations, agencies and persons from outside the school whose access requires the consent of parents or adult pupils must submit their request in writing together with any required authorization to the ES or the OOE Manager of Child Study Services respectively.
 - c) The ES or the OOE Manager of Child Study Services shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage or loss (N.J.A.C. 6:3-.6(a)3). In every instance of inspection of pupil records by persons other than the parents, pupils or individuals who have assigned educational responsibility for the individual student, all information shall be completed on the record access sheet.
 - d) Unless otherwise instructed judicially, the ES or the OOE Manager of Child Study Services shall, prior to the disclosure of any pupil records to organizations, agencies or persons outside the school district pursuant to a court order, give the parent or adult pupil 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 practical. Only those records related to the specific purpose of the court order shall be disclosed.
 - e) A record may be withheld from a parent or pupil under 18 or from an adult pupil when a court order is obtained or when evidence is provided indicating that a court order exists revoking the right to access. Only that portion of the record designated by the court may be withheld. When a court order is obtained or evidence exists of such a court order, the ES for each state facility program shall notify the parent or the adult pupil 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.

H. RIGHTS OF APPEAL FOR PARENTS AND ADULT PUPILS

1. Pupil records are subject to challenge by parents or adult pupils on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial to access to organizations, agencies and persons. The parent or adult pupil may seek to:

- a) Expunge inaccurate, irrelevant or otherwise improper information from the pupil record;
 - b) Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or
 - c) Request an immediate stay of disclosure pending final determination of the challenge procedure as described in this policy.
2. To appeal, a parent or adult pupil must notify the Director, OOE in writing of the specific issues relating to the pupil record. Within ten days of notification, the Director, OOE or his or her designee shall meet with the parent or adult pupil to revise the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent or adult pupil may appeal this decision to the Commissioner of Education within ten days. 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 part of the pupil record with copies made available to the parent or adult pupil.
 3. Appeals relating to the records of pupils with educational disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:14.
 4. Regardless of the outcome of any appeal, a parent or adult pupil shall be permitted to place a statement in the pupil record commenting upon the information in a pupil record or setting forth any reasons for disagreement with the decision of the agency. 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 must also be disclosed to that party.

I. RETENTION AND DESTRUCTION OF PUPIL RECORDS

1. 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 student is enrolled in a state facility program.
2. Mandated pupil records of currently enrolled pupils, other than that described in (6) below, may be destroyed after the information is no longer necessary to provide educational services to a pupil. Such destruction 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 (i.e., letter and follow-up phone contact) of such notification and reasonable attempts (i.e., letter and follow-up phone contact) to secure parental or adult pupil permission have been unsuccessful.
3. When a pupil exits a state facility program, the ES shall maintain in perpetuity a copy of the letters sent to the parent or adult pupil and the

pupil's educational placement concerning the disposition of the pupil's records. **Specific procedures are contained in the Educational Supervisor/CST Manual.**

4. **When a "state responsible" pupil graduates from a state facility program, when a district of residence is determined for a "state responsible" pupil, or when a "state responsible" pupil leaves a state facility program on a permanent basis:**
 - a) The OOE Manager of Child Study Services shall notify the parent or adult pupil in writing that a copy of the entire pupil record will be provided to him or her upon request.
 - b) Information in pupil records, other than that described in (5) below, may be destroyed but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such destruction 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 (i.e., letter and follow-up phone contact) of such notification and reasonable attempts (letter and follow-up phone contact) to secure parental or adult pupil permission have been unsuccessful.
5. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult pupil.
6. The OOE Manager of Child Study Services shall keep in perpetuity a permanent record of the pupil's name, date of birth, sex, address, telephone number, grades, attendance record, classes attended, grade level completed, year completed, name of parent(s) and citizenship status.

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