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AN ACT concerning disclosure of student records and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

Requires school districts disclose certain student records and information; provides disclosure of student records or information not unlawful discrimination under “Law Against Discrimination.”

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PRIME Sponsor _____ / _____

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Same as _____ 20/21 Same as _____ 22/23

AN ACT concerning disclosure of student records and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. As used in this section, “student record” means:

(1) the student’s name, address, telephone number, date of birth, parent’s or guardian’s name, sex and gender, standardized assessment results, grades, record of daily attendance, classes attended, grade level completed, year completed, and years of attendance;

(2) description of the student’s progress according to the board of education’s student performance data, including report cards and progress reports;

(3) history and status of mental and physical health compiled in accordance with federal and State law, including immunizations and results of any physical examination by a qualified school district employee;

(4) information regarding an accommodation specific to the student’s mental or physical health requested by a student or the student’s parent or guardian; and

(5) records pursuant to rules and regulations regarding the education of students with disabilities.

b. A board of education shall provide a parent or guardian of a student enrolled in the district, an adult student, or an emancipated minor with any information contained in the student’s student record within five school days of a written request for the information by the parent or guardian, adult student, or emancipated minor.

c. A board of education shall adopt a policy that requires a principal, or the principal’s designee, to respond in a truthful manner to any inquiry received by a school district employee about a student from the parent or guardian of the student. This subsection shall not be construed to require disclosure of any identifying information related to other students who are not the minor children of the requesting parent or guardian.

d. (1) A parent or guardian shall have a civil cause of action against a board of education if the board of education, principal, or the principal’s designee fails to comply with the provisions of subsection c. of this section.

(2) A board of education found to be in violation of the provisions of subsection c. of this section shall be liable for a civil penalty of \$5,000 for a first violation and for each subsequent violation.

(3) If the parent or guardian is the prevailing party in the civil cause of action and it was found that the school district, principal, or the principal’s designee intentionally withheld information, the parent or guardian shall be entitled to an award of any reasonable attorney’s fees and costs of suit incurred, and any injunctive relief as the court may deem necessary to avoid continued violations.

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e. The Commissioner of Education shall promulgate rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), including any penalties or enforcement provisions, that the commissioner deems necessary to effectuate the purposes of this act.

f. Disclosure of a student record or information in response to any inquiry in accordance with a policy adopted by a board of education pursuant to this section and any rules or regulations promulgated thereunder shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

2. This act shall take effect immediately.

STATEMENT

This bill requires school districts to disclose certain student records and information to certain persons and provides that the disclosure is not an unlawful discrimination under the “Law Against Discrimination.”

Under the bill, a board of education is required to provide the parent or guardian of an enrolled student, an adult student, or an emancipated minor with any information contained in the student’s student record within five school days of when a written request for the information is made by the parent or guardian, adult student, or emancipated minor. The bill defines student record as (1) the student’s name, address, telephone number, date of birth, parent’s or guardian’s name, sex and gender, standardized assessment results, grades, record of daily attendance, classes attended, grade level completed, year completed, and years of attendance; (2) a description of the student’s progress according to the board of education’s student performance data, including report cards and progress reports; (3) history and status of mental and physical health compiled in accordance with federal and State law, including immunizations and results of any physical examination by a qualified school district employee; (4) information regarding an accommodation specific to the student’s mental or physical health requested by a student or the student’s parent or guardian; and (5) records pursuant to rules and regulations regarding the education of students with disabilities.

The bill provides that a board of education is required to adopt a policy that requires a principal, or the principal’s designee, to respond in a truthful manner to any inquiry received by a school district employee about a student from the parent or guardian of the student, and creates a civil cause of action against a school district if the school district, principal, or the principal’s designee fails to do so, with a penalty of \$5,000 for each violation. If the parent or guardian is the prevailing party in the civil cause of action and it was found that the school district, principal, or the principal’s designee intentionally withheld information, the parent or guardian is entitled

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to attorney's fees and costs of suit incurred, and any injunctive relief as the court may deem necessary.

Finally, the bill provides that disclosure of student records or information in response to an inquiry in accordance with a policy adopted by a board of education pursuant to the provisions of the bill is not an unlawful discrimination under the "Law Against Discrimination."

Requires school districts disclose certain student records and information; provides disclosure of student records or information not unlawful discrimination under "Law Against Discrimination."

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