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## Administrative Regulation:

#615.1

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### Student Records

#### A. General Provisions

The student record contains all information concerning a student that is kept by the school district and which personally identifies the student; it consists of the temporary record and the transcript. For purposes of these procedures, custodial parent refers to a divorced or separated parent who has physical custody of the child, and the non-custodial parent is the parent who does not have physical custody of the child. Non-custodial parents may not be eligible to access their child's student record, or may have to follow certain procedures in order to access the student record. See Section C below.

The rights outlined below may be exercised by the custodial parent(s)/guardian(s) for a student under the age of 14 years, or jointly by the student and custodial parent(s)/guardian(s) of a child over the age of 14 years. A student over the age of 14 is called "an eligible student". A student 18 years or older may, in writing, deny his custodial parent(s)/non-custodial parent(s) access to his/her student record, with the exception of transcripts, report cards and/or progress reports.

Each eligible student and custodial parent/guardian, except as limited herein for certain parents, has the right to see the student record for that student within ten (10) days of submitting a written request to see the records. Copies of any records may be obtained upon request and shall be provided within ten (10) days of the request. The District may charge a reasonable fee to cover the costs of reproduction of the records.

The student's record is available to authorized school personnel who work directly with the student, or administrative/clerical personnel who need to have access to records in order to carry out their responsibilities. The term "authorized school personnel" includes, but is not limited to, administrators, teachers, counselors, therapists, paraprofessionals, nurses, administrative office staff, and clerical personnel. Authorized school personnel include those employed by the District or under contract with the District as an independent contractor. Authorized school personnel do not need permission to see student records.

No information in the student's record is available to any third party outside the school system without written permission from the eligible student and/or parent and/or

guardian, unless the requesting party is listed as an exception by the Student Records regulations. Exceptions to the requirement of written permission include, but are not limited to, a probation officer, court order, subpoena, where health or safety requires the disclosure of student information/records, or upon transfer to another school district. However, eligible students and/or their parents/guardians will generally be notified before these records are released. A written release must be signed to have any part of the school record sent outside the school. This includes, but is not limited to prospective employers, technical schools, and colleges.

An eligible student and parent/guardian have the right to request to add relevant information to the student's record as well as the right to request removal of information believed to be untrue or incorrect.

Parent(s), guardians, or students may also request a complete copy of the Massachusetts student record regulations, 603 CMR 23.00 *et seq.*, from the District, or access these regulations on the website of the Department of Elementary and Secondary Education (<http://www.doe.mass.edu/lawsregs/stateregs.html>).

#### B. Directory Information Notice

The Maynard Public Schools has designated certain information contained in the education records of its students as directory information for purposes of the Family Educational Rights and Privacy Act (FERPA) and the Student Record Regulations at 603 CMR 23.00 *et seq.*

The following information regarding students is considered directory information: (1) name, (2) address, (3) telephone number, (4) date and place of birth, (5) major field of study, (6) participation in officially recognized activities and sports, (7) weight and height of members of athletic teams, (8) dates of attendance, (9) degrees, honors and awards received, (10) post high school plans of the student.

Directory information may be disclosed for any purpose in the discretion of the school system, without the consent of a parent of a student or an eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as directory information; such refusal must be in writing and made annually. In that case, this information will not be disclosed except with the consent of a parent or student, or as otherwise allowed by FERPA and 603 CMR 23.00 *et seq.*

Parents/Guardians will be notified, by inclusion of this document in the student Handbook, that Maynard Public Schools will provide requested directory information to military recruiters unless the parent or eligible student specifically directs otherwise, as required by the No Child Left Behind Act.

Any parent or student refusing to have any or all of the designated directory information disclosed must file written notification to this effect with the principal on or before the 15th day of each September.

In the event that a refusal is not filed, it is assumed that neither a parent of a student or

eligible student objects to the release of the directory information designated.

C. Rights Of Certain Divorced or Separated Parents

It is necessary for divorced parents to submit a copy of the custody agreement or order, and any subsequent changes made thereto, to the District so that District personnel may identify which of the parents has physical custody of the child. The non-custodial parent may access his/her child's record unless

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student, and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

The District shall place in the student's record any documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

Non-Custodial Parent Access: In the case of a non-custodial parent who is eligible to access the student record, i.e., does not fit any of the four (4) categories under 1-4 above, the non-custodial parent must submit a written request for the student record to the school principal. Upon receipt of the request, the principal and/or his/her designee shall immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth under 1-4 above.

When the student record is released to the non-custodial parent, the school will delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records will be marked to indicate that they shall not be used to enroll the student in another school.

D. Amending A Student Record

1. A parent has the right to add information, comments, data, or any other relevant written material to the student's record. The parent should submit the additional information in writing to the principal with a written request that the information be added to the student record.
2. A parent has the right to request in writing deletion or correction of any information contained in the student's record, except for information which was

inserted into that record by the TEAM. Such information inserted by the TEAM shall not be subject to such a request until after the acceptance of the Individual Educational Plan (IEP), or, if the IEP is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

(a) If a parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student's record, the parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.

(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(c) If the principal's decision is not satisfactory to the parent, the parent may file an appeal to the Superintendent. Such appeal shall be in writing and submitted to the Superintendent within five (5) business days of receipt of the principal's decision. The Superintendent shall render a written decision on the appeal within two (2) weeks of receipt of the written appeal.

(d) If the Superintendent's decision is not satisfactory to the parent, the parent may appeal to the School Committee by filing a written appeal within five (5) business days of receipt of the Superintendent's decision. The School Committee shall conduct a hearing as required on the appeal as required by 603 CMR §23.09(4).

E. Notice On Transfer To Other Schools

Pursuant to 603 CMR 23.07(g), Parents/Guardians will be notified, by inclusion of this document in the student Handbook, that the District forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. Such transfer of records takes place without consent of the parent or eligible student.

F. Destruction of Records

1. The temporary record of a student will be destroyed no later than seven (7) years after that student transfers, graduates, or withdraws from Maynard Public Schools. Parents/Guardians will be notified, by inclusion of this document in the student Handbook, of this destruction. When the student transfers, graduates or withdraws from school, and if the eligible student or the parent/guardian want the temporary record, they must request, in writing, prior to the last day of school, that the documents be provided to them. No additional notice, other than that contained in the school Handbook, will be provided to the student or his parent/guardian of such destruction.

2. In addition, each year, the principal and/or teachers and/or other service providers may destroy the following documents that are considered part of the student's temporary record: disciplinary records (other than documentation of suspensions/expulsions/exclusions), any notes from the Parent/guardian or other documents concerning absences, early dismissals, late arrivals, as well as examples of student work. If the eligible student or the parent/guardian want those records, they must request, in writing, prior to the last day of school that the documents be provided to them, rather than be destroyed. No additional notice, other than that contained in the school Handbook, will be provided to the student or his parent/guardian of such destruction.

G. Display/Publication of Student Work

Parents/Guardians will be notified, by inclusion of this document in the student Handbook, that there will be occasions when student work is seen and is on display within the school; for example, at open houses, exhibits, fairs, on bulletin boards, etc. Unless a parent/guardian informs the District in writing no later than September 15 of each school year, the District will assume that this publication/display of the student work is acceptable to the parent/guardian.

Complaint procedure

In addition to the appeal procedure, above, a parent/guardian/eligible student may file a complaint with the Family Policy Compliance Office (FPCO) of the federal Department of Education. The FPCO has the authority to interpret and decide issues involving student records under FERPA. FPCO's address is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue  
Washington D.C. 20202-5920

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LEGAL REFS: Family Educational Rights and Privacy Act of 1974,

P.L. 93-380, Amended

P.L. 103-382, 1994

M.G.L. [66:10](#) [71:34 A](#), [B](#), [D](#), [E](#), [H](#),

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