



Guide

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Children's Internet Protection Act

The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet. CIPA imposes certain requirements on schools or libraries that receive discounts for Internet access or internal connections through the E-rate program – a program that makes certain communications services and products more affordable for eligible schools and libraries. In early 2001, the FCC issued rules implementing CIPA and provided updates to those rules in 2011.

What CIPA requires

Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors (for computers that are accessed by minors). Before adopting this Internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.

Schools subject to CIPA have two additional certification requirements: 1) their Internet safety policies must include monitoring the online activities of minors; and 2) as required by the Protecting Children in the 21st Century Act, they must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Schools and libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- Access by minors to inappropriate matter on the Internet;
 - The safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
 - Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
 - Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
 - Measures restricting minors' access to materials harmful to them.
- Schools and libraries must certify they are in compliance with CIPA before they can receive E-rate funding.

- CIPA does not apply to schools and libraries receiving discounts only for telecommunications service only;
- An authorized person may disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes;
- CIPA does not require the tracking of Internet use by minors or adults.

You can find out more about CIPA or apply for E-rate funding by contacting the Universal Service Administrative Company's (USAC) Schools and Libraries Division (SLD). SLD also operates a client service bureau to answer questions at 1-888-203-8100 or via email through the SLD website.

Filing a complaint

You have multiple options for filing a complaint with the FCC:

- File a complaint online
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322)
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission

23.02: Definition of Terms

603 MA ADC 23.02 CODE OF MASSACHUSETTS REGULATIONS (Approx. 4 pages)

Code of Massachusetts Regulations Currentness

Title 603: Department of Education

Chapter 23.00: Student Records (Refs & Annots)

603 CMR 23.02

23.02: Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access shall mean inspection or copying of a student record, in whole or in part.

Authorized School Personnel shall consist of three groups:

- (a) School administrators, teachers, counselors and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.
- (b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

Eligible Student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team shall mean the team which evaluates school-age children pursuant to M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non-custodial parent for purposes of M.G.L. c. 71, § 34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age Child with Special Needs shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

School Committee shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c. 71B (Chapter 766) approved private school.

Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.

Student Record shall consist of the Transcript and the Temporary Record, including all information—recording and computer tapes, microfilm, microfiche, or any other materials—regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

Temporary Record shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third Party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

Transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/her birth date; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, highest grade level completed, and the year completed, and highest performance level achieved on all MCAS tests required for the competency determination.

Current through: December 19, 2014, Register #1276.

Mass. Regs. Code tit. 603, § 23.02, 603 MA ADC 23.02

End of Document

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LAWS & GUIDANCE (/POLICY/LANDING.JHTML?SRC=LN) / GENERAL Family Educational Rights and Privacy Act (FERPA)

Family Policy Compliance Office (FPCO) Home (/policy/gen/guid/fpco/index.html)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school. For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the Federal Relay Service (/about/contacts/gen/index.html#trs).

Or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520



Printable view (/print/policy/gen/guid/fpco/ferpa/index.html) (http://www.addthis.com/bookmark.php?v=250)





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23.09: Appeals

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Most Recently Amended by the Board of Education: August 15, 2006

23.02: Definition of Terms

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Authorized school personnel shall consist of three groups:

- (a) School administrators, teachers, counselors and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.
- (b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

Eligible student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.0(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non-custodial parent for purposes of M.G.L. c. 71, § 34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

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Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.

The student record shall consist of the transcript and the temporary record, including all information

recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/her birthdate; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed.

Regulatory Authority:

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

Last Updated: September 18, 2006

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Massachusetts Department of
Elementary & Secondary Education

PROCEDURES TO BE FOLLOWED BY SPS SCHOOL PERSONNEL TO RESPOND TO THIRD PARTY REQUEST FOR STUDENT RECORDS

SCHOOL TO RESPOND

REQUEST BY:	Action To Be Taken By School (without going through SPS's Central Office):
Parent/Legal Guardian or Eligible Student (<i>18 years of age or older</i>). Ask for ID.	Release a copy of the student record to the custodial parent, legal guardian or eligible student. [MUST BE MADE WITHIN 10 DAYS OF ORIGINAL REQUEST]
School personnel to which a student seeks or intends to transfer.	Release a copy of the student records to the transferring school.
Court Appointed Investigator to investigate an allegation under MGL c. 119 section 24 (Protection and Care of Children) for verbal information only .	After receipt of a copy of the Court Appointment, release verbal information regarding the student to the Investigator and give the Investigator access to the student record. (See Endnote) ¹
Student's Court Appointed Attorney/Guardian Ad Litem for access to student, or student record or verbal information. (Keep copy of ID)	After receipt of the Court Appointment, provide access to the student and/or student records. (Do not provide copy of student records)
Probation Officer for copy of the student record.	Send a copy of the student records to the Probation Officer.
Department of Children & Families ("DCF") for verbal information only.	Upon receipt of a valid authorization (An Authorization signed by the parent, guardian or Social Worker, if student is in DCF custody), provide verbal information regarding the student and allow the Social Worker to speak with the student. (See Endnote)
DCF for Student Records or Information during its investigation of a report of abuse under 51A. (Keep copy of ID)	Upon the request for information by the DCF Social Worker who is investigating a report of abuse under 51A, provide to DCF the information requested regarding the student, including access to the student. The Social Worker from DCF will be asked to show her ID badge and provide the student's full legal name and additional identifying information (e.g.: date of birth, parents' names or address).
Request for Student Records from Not-for-Profit Social Service Organizations (e.g.: MSPCC, Gandara).	Provide a copy of the student records to the custodial parent or legal guardian of the student who will be responsible to provide the copy to the agency/individual.
Student Records from Educational Surrogate Parent/Advocate or Attorney retained by parent/guardian on behalf of student to advocate for educational services or programs.	Provide a copy of the student records to the custodial parent or legal guardian of the student who will be responsible to provide the copy to the agency/individual.
Attorney retained by Parent on behalf of student for Social Security Insurance (SSI) claim.	Provide a copy of the student records to the custodial parent or legal guardian of the student who will be responsible to provide the copy to the agency/individual.
Medical/mental health care provider of the student with an authorization signed by parent or legal guardian for copy of student record.	Provide a copy of the student records to the custodial parent or legal guardian of the student who will be responsible to provide the copy to the medical/mental health care provider.
Police <ul style="list-style-type: none"> • Life Threatening Emergency • Investigation that is not a Life Threatening Emergency 	<ul style="list-style-type: none"> • Provide Police Officer with access to student • Need to obtain Parent/Guardian Consent before providing access to student.

September 26, 2014

¹ ENDNOTE: After receipt of appropriate authorization, if the school receives by telephone a request for verbal information from a Student's Court Appointed Investigator or Guardian Ad Litem, Medical/Mental Health Care Provider or DCF Social Worker ("Requestor"), it shall release student's information after confirming that it is speaking to the appropriate person (e.g.: call back the Requestor to confirm the call or confirm the identity by caller ID).

PROCEDURES TO BE FOLLOWED BY SPS SCHOOL PERSONNEL TO RESPOND TO THIRD PARTY REQUEST FOR STUDENT RECORDS
SEND REQUEST TO WILLIAM G. BAKER, DIRECTOR OF SAFETY & SECURITY

REQUEST BY:

Non-Custodial Parent for student records or verbal information.

Court Summons /Motion Seeking School or Student Records.

Justice of the Court or Juvenile Court Clinic for copy of student record.

Court Appointed Investigator to investigate an allegation under MGL c. 119 section 24 (Protection and Care of Children) for copy of student records.

Deposition Subpoena Duces Tecum served by Sheriff seeking student records.

Student's Attorney/Court Appointed Attorney/Guardian Ad Litem, including Public Defender (Youth Advocacy Division), for copy of student records.

Department of Youth Services or DCF for copy of the student records.

Auditor of the Commonwealth – Bureau of Special Investigations for a copy of student records.

Mass Department of Elementary and Secondary Education (DESE) for copy of student records in response to a DESE investigation.

PROCEDURES TO BE FOLLOWED BY SPS SCHOOL PERSONNEL TO RESPOND TO THIRD PARTY REQUEST FOR STUDENT RECORDS

SEND REQUEST TO DR. MARY ANNE MORRIS, CHIEF OF PUPIL SERVICES

REQUEST BY:

Social Security Administration ("SSA").

Date: September 26, 2014

