

STUDENT RECORDS

STUDENTS' SCHOOL RECORDS

A student's record contains all information concerning that student which is kept by the school. Each student and parent/legal guardian with custody has the right to see the student's records. Copies of any information in the record may be obtained upon request; for extensive copies, advance notice must be given. A signed log is kept in each cumulative record for all students. No third party, other than authorized school or Department of Elementary and Secondary Education personnel, shall have access to information in or from a student record without the specific informed consent of the eligible student or the parent(s)/legal guardian(s). A student's record is available to school personnel who work directly with the student. This includes administrators, teachers, counselors, administrative office staff, and clerical personnel. They do not need permission to see student records.

No information in a student's record is available to anyone outside the school district without written permission of the student and/or parent/guardian. Exceptions to this would be a probation officer, receipt of a court order requiring that a record be made available, or when a student transfers to another school district. Students and parents/guardians will be notified however, before records are released in those circumstances.

Upon receipt of a court order or lawfully issued subpoena, or upon receipt of a request from a court or the Department of Youth Services for information regarding a student, the school, prior to compliance, shall notify the eligible student or parent(s)/legal guardian(s) of the order, subpoena or request in such reasonable time that he/she may seek to have the process quashed. If a parent/legal guardian or student wishes transcripts or records forwarded to technical schools, colleges, prospective employers, or a branch of the armed services, a written release must be delivered to the Principal of the school or appropriate custodian of the student's school records. In the case of a student, fourteen through seventeen (14-17) years of age, or of one who has entered the ninth grade, both the student and his/her parent(s)/legal guardian(s), or either one acting separately, shall exercise these rights. Any student eighteen (18) years of age or older may exercise these rights alone.

Directory Information

The Holyoke Public Schools have designated certain information contained in student records as "directory information" for purposes of the Family Educational Rights Protection Act (FERPA) Access to Students and Student Recruiting Information, the Massachusetts Student Record Regulations, and Public Law 107-110 (HR1) No Child Left Behind Section 9528 Armed Forces Recruiter. The following information is considered "directory information:"

- name, address and telephone number
- school and grade
- date and place of birth
- major field of study
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- degrees, honors, and awards received
- post-high school plans

Directory information may be disclosed for any purpose at the discretion of the school district,

without the consent of a parent/guardian or 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.” In that case, this information will not be disclosed except with the consent of a parent/guardian or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq.

Any parent/guardian or student who wishes to ensure that no directory information be disclosed must provide the building principal with written of their decision within one week of receipt of this handbook.

Amending a student record

A parent/guardian or eligible student has the right to add information, comments, data or any other relevant written material to the student record. The additional information must be submitted to the building principal along with a written request that the information be added to the student record.

A parent/guardian or eligible student has the right to request in writing the deletion or correction of any information contained in the student record, except for information which was placed in the record by a student with disabilities TEAM. Any such information inserted by the TEAM will not be subject to a request for deletion or correction until the Individualized Education Plan for that student has been accepted, or, if rejected, after the completion of the special education appeal process.

Notice on transfer to another school district

The Holyoke Public Schools hereby gives notice to parents/guardians and eligible students that it forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. While consent of the parent/guardian or eligible student is not required, it is the policy of the Holyoke Public Schools that it will not forward records to the receiving district without the signature of the parent/guardian or eligible student.

Destruction of records

Notice is given that the temporary educational record, which includes the student health record, of a student will be destroyed no later than seven (7) years after that student transfers, graduates, or withdraws from the school district. If the parent/guardian or eligible student wishes to have the temporary record, they must request it in writing prior to the last day of school that the documents be provided to them. No additional notice will be provided to the parent/guardian or eligible student prior to the destruction of such records.

In addition, the principal, teachers, and/or other service providers may destroy the following documents, which are considered part of the temporary record, on a yearly basis: disciplinary records (other than documentation of suspensions and/or expulsions), any notes from the parent/guardian concerning absences, early dismissals, late arrivals, as well as examples of student work. If the parent/guardian or eligible student wants those records, they must request so in writing prior to the last day of school.

Access to student work

During the course of the school year, personally-identifiable student work may be seen and reviewed by third parties. For example, personally-identifiable student work may be displayed on bulletin boards, at fairs/shows, during Open House, and during parent-teacher conferences and will thus be seen by many people. In addition, classroom instructional techniques may include cooperative learning, peer review, editing, and commenting on another student’s work. All of this activity is part of the regular educational process and serves to benefit the student. The work

produced as a result of these instructional techniques is also considered to be part of the student record.

If the parent/guardian or eligible student does not consent to the disclosure of this type of student work, they must provide the building principal with a written statement indicating that they do not consent to the disclosure of the student's work, no later than one week of receipt of this handbook.

NON-CUSTODIAL PARENTS ACCESS TO SCHOOL RECORDS

In August 2006, the Board of Education adopted final technical amendments to the Student Records Regulations to make them consistent with G.L. c. 71, §34H, as most recently amended by Chapter 62 of the Acts of 2006. The state statute and regulations expand the categories of non-custodial parents who are eligible to obtain access to their children's student records and are consistent with the federal Family Educational Rights and Privacy Act.

As set forth in the amended regulation, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records *unless* the school or district has been given documentation that:

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 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.

Reason for the Amendments

In 1998, the Massachusetts Legislature enacted G.L. c. 71, §34H in order to standardize the process through which schools make student records available to non-custodial parents. The statute provided that a non-custodial parent would have access to his or her child's student record unless a court has determined that the parent poses a safety risk. The Board of Education subsequently adopted regulations (603 CMR 23.07(5)) to implement the state law.

In May 2005, the U.S. Department of Education informed the Massachusetts Department of Education of its determination that our state statute and regulations on access to student records by non-custodial parents must be amended in order to conform to federal law (the Family Educational Rights and Privacy Act, or FERPA, 20 U.S.C. §1232g). In particular, the U.S. Department of Education found that requiring non-custodial parents to provide documentation that there are no court orders rendering them ineligible before granting them access to student records violates their right to inspect and review their children's educational records.

In October 2005, the Board of Education amended the Student Records Regulations to make them consistent with federal law. The Legislature amended the state statute on non-custodial parents' access to student records for the same reason. The legislation was enacted on April 13, 2006 (see <http://www.mass.gov/legis/laws/seslaw06/sl060062.htm>). The Board's vote on technical amendments to the regulations in August 2006 was the final action to align the state regulations with the amended state statute and the federal law.

Student Records – Access Rights and Confidentiality

General information about the student record:

The student record consists of your child's transcript and temporary record and includes, among other things, records pertaining to your child's special education eligibility or program. You have several rights relating to your child's student record. You and, under certain circumstances your child, have a right to inspect and review any and all records relating to your child which are collected, maintained or used by the school district. If your child's record includes information regarding another child you have a right to inspect and review only the information relating to your child. The school district will only limit your access to the student record if the school district has received a legal document that limits your authority in this regard (for example, a divorce or custody decree that limits your access to information about your child). All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations. Those regulations can be found at 603 C.M.R. 23.00 or by requesting a copy of the regulations from the Department of Education. The following summary of information is provided to assist you in attaining a general understanding of the Student Record Regulations.

Your child's rights of access:

Students who are 14 years of age or in the ninth grade have all the rights that parents have under the Student Record Regulations. If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his or her parent, or either one acting alone, may exercise these rights. Once a student turns 18 the rights accorded parents under the Student Records Regulations become those of the student. However, the parent may continue to exercise these rights unless the student makes a written request to the school principal or superintendent of schools to prevent the parent from doing so. Should the child make such a request, the parent will still retain the right to examine his or her child's record.

Review of the student record:

If you ask to review your child's records the school must allow you access to those records as soon as practicable, and in any event, within ten days after your request, unless you agree to a longer period of time. Your right to inspect and review your child's student record includes the right to do so before any meeting regarding an IEP or due process hearing relating to the identification, evaluation or placement of your child. Your right to inspect and review your child's student record includes the right to:

- (a) Obtain copies of any information contained in the student record upon request. The school district may charge a reasonable copying fee, not to exceed the costs of reproduction, as long as the fee does not effectively prevent you from exercising your right to inspect and review the record. The school district may not charge a fee to search for or retrieve information relating to special education.
- (b) Meet with professionally qualified school personnel upon request and have any of the contents of the student record interpreted.
- (c) Have your representative inspect, review and interpret your child's record with your specific, written informed consent.

Access to the student record:

The school district is required to keep a record of parties who have obtained access to your child's student record, in whole or in part. You have the right to review this record log. Unless student record information is to be deleted or released, the log requirement does not apply to school personnel whose teaching, counseling, clerical or administrative responsibilities require access to your child's student record.

Upon your request, the school district must inform you about the types and locations of student record information for your child.

Changing information in the student record:

You have the right to add information, comments, data or any other relevant written material to the student record. You have the right to make a written request that the school district delete or amend information contained in the student record and/or to have a conference with the principal or designee to make your objection known. You have a right to a written decision on your request within a week of your conference with the principal or from the date the school receives your written objection if there is no conference. You may appeal to the superintendent of schools if the school district does not agree with your position. You also have a right to include in your child's student record a statement commenting on the decision or setting forth your reason for disagreement with the content of the record. Any such statement must be maintained by the school district as part of your child's student record as long as the record or contested portion of the record is kept by the school district.