

STUDENT RECORDS

The School Committee is intent upon maintaining an adequate individual student record system designed to benefit the education of every student and to assist school staff in this process. "It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information."

It is the responsibility of school personnel to collect and maintain data to assure such benefit and data required by statute and/or State Department regulations. This data shall be presented in a format that meets the needs of students. Emphasis is placed upon accuracy in reporting.

Where the parents of a student are separated or divorced, or for some other reason the student is not in the joint custody of both of his/her parents, information concerning the student shall be disclosed to the custodial parent and the non-custodial parent that has met the requirements of M.G.L. Ch. 71, §34H.

Student records are to be kept in the custody of the Superintendent or Principal of the school the child attends. Except for the provisions of 603 CMR 23.07 (4)(a) through 23.07 (4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent.

An eligible student and his/her parent, or either one, as applicable, shall have access to the student record, and may have copies of any information in the record upon payment of a reasonable fee. Authorized school personnel shall have access to the student records. In general, no information in a student record shall be disseminated without the specific informed written consent of the eligible student and his/her parent, or either one, as applicable. A log shall be kept to record the dissemination of any information in the student record.

The eligible student and his/her parent, or either one, as applicable, shall have the right to add information or other relevant material to the record. They shall have the right to request deletion or amendment of any information in the record. The Principal, or his/her designee, will make a decision that may be appealed first to the Superintendent and then to the School Committee.

If a parent or legal guardian wishes to review his/her child's school records, access shall be provided as soon as practicable and within ten (10) days after the initial request, except in the case of non-custodial parents as provided by law.

The temporary record of each student will be destroyed within seven (7) years after the student transfers, graduates or withdraws from the school district. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

LEGAL REFERENCES: Family Educational Rights and Privacy Act of 1974, P.L. 93-380, Amended P.L. 103-382, 1994; M.G.L. 66:10 71:34A, B, D, E, H; Board of Education Student Record Regulations adopted 2/1077 and June 1995; 603 CMR: Dept. Of Education 23:00 through 23:12 also Mass. Dept. Of Education publication Student Records; Questions, Answers and Guidelines, Sept. 1995

CROSS REFERENCE: KDB

Original Adoption: November 16, 2004

Revised and Readopted: August 21, 2019

JRA-R

STUDENT RECORDS REGULATIONS

In order to provide students with appropriate instruction and educational services, it is necessary for the school system to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information.

The Superintendent will provide for the proper administration of student records in keeping with state and federal requirements, and shall obtain a copy of the state student records regulations (603 CMR 23.00). The temporary record of each student will be destroyed no later than seven years after the student transfers, graduates or withdraws from the school district. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

Milton Public Schools may release directory information pursuant to 603 CMR 23.07 (4)(a),

Application of Rights

603 CMR 23.00 is promulgated to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of students' records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

1. These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.
2. If a student is from 14 through 17 years or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.
3. If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school Principal or Superintendent of schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c. 71, & 34E, the parent of a student may inspect the student record regardless of the student's age.
4. Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean

that a School Committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

Definition of Terms

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

1. Access shall mean inspection or copying of a student record, in whole or in part.
2. 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 evaluates a student.
3. “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.
4. “Evaluation Team” shall mean the team that evaluates school-age children pursuant to M.G.L. c.71B (St. 1972, c.766) and 603 CMR 28.00.
5. “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. Ch. 71, §34H and CMR 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.

6. "Release" shall mean the oral or written disclosure, in whole or in part, of information in a student record.
7. "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.
8. "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.
9. "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.
10. "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.
11. "The temporary record" shall consist of all the information in the student record that 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.
12. "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.

LEGAL REFERENCES: Family Educational Rights and Privacy Act of 1974, P.L. 93-380, Amended P.L. 103-382, 1994; M.G.L. 66:10; 71:34A, B, D, E, H; Board of Education Student Record Regulations adopted 2/10/77, June 1995 as amended June 2002; Department of Education 603 CMR:23.00 – 23:12

Original Adoption: November 16, 2004
Revised and Readopted: August 21, 2019