

PROCEDURE TO REQUEST SCHOOL RECORDS

The Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, (FERPA) and Massachusetts regulations (603 CMR 23.00 et. seq.) afford parents/guardians and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records.

I. STUDENT RECORD DEFINITION

The student record consists of two parts, the transcript and the temporary record.

- A. The transcript contains administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. The transcript is limited to the name, address, and phone number of the student, his/her birth date, name, address and phone number of the custodial parent or guardian, course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed. The transcript must be retained for at least **sixty (60) years** after the student leaves the school system.
- B. The temporary record is all other student record information besides the transcript. Temporary record information may include health information, disciplinary information, exemplars of student work, special education or 504 plan documents, incident reports, and any other information kept by the school which identifies the student individually. The temporary record should be destroyed no later than **seven (7) years** after the student leaves the school system, provided proper notification is given as is indicated herein.

II. STUDENT RECORD ACCESS

Parents/Guardians and students 14 years of age or older, or in grade 9, (whichever is first) (“eligible students”) have the right to inspect all portions of the student record upon request. The record must be made available to the parent/guardian and/or eligible student by the school **no later than ten (10) days** after the request, unless the parent/guardian and/or eligible student consents to a delay. The parent/guardian and/or eligible student have the right to receive copies of any and all parts of the record. In addition, the parent/guardian and/or eligible student may request to have parts of the record interpreted by a qualified professional of the school, or may invite anyone else of their choosing to inspect or interpret the record with them. In lieu of providing a parent/guardian and/or eligible student with a copy of the record, the school may make the record physically available for parent/guardian or eligible student to review at the school.

III. STUDENT RECORD PROCEDURES

A. Request Access to School Record

Parents and eligible students may obtain a copy of all or any portion of the student's record upon request. A written request of the parent/guardian or eligible student must be provided to the school in which the student is assigned. The Newton Public Schools Student Record Request Form may be filled out and provided to the student's school to facilitate the process.

B. Request to Amend School Record/Appeal

The parent/guardian and/or eligible student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent/guardian and/or eligible student have the right to make a written request that information in the record be amended or deleted, except information created by a special education team, which may not be amended or deleted until after acceptance of the individualized education plan or completion of the appeals process. The parent/guardian and/or eligible student have a right to a conference with the school principal to make their objections known. Within one week after the conference, the principal must render a decision, in writing. If the parent/guardian and/or eligible student are not satisfied with the decision, they may appeal such decision to the Superintendent and, ultimately, to the School Committee.

C. Non-Custodial Parent Requesting Student Record

As required by law, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student record 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.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to regulation.
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- (d) Upon receipt of the request the school must 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 in regulation.

- (e) The school must 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 must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to law, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

For the full policy please see Newton Public Schools' Policy KBBA - Non-Custodial Parent' Rights.

IV. COMPLAINTS RELATED TO NPS' COMPLIANCE WITH FERPA

The right to file a complaint with the U.S. Department of Education concerning alleged failures by NPS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of
Education 400
Maryland Avenue, SW
Washington, DC 20202