

STUDENT RECORDS

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L.c.71,&34D which directs that "the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the commonwealth," and under M.G.L. c. 71&34F which directs that " the board of education shall adopt regulations relative to the retention, duplication and storage or records under the control of School Committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times." 603 CMR 23.00 was originally promulgated on February 10, 1975, and was reviewed and amended in June, 1995. 603 CMR is in conformity with federal and state statutes regarding maintenance of and access to student records, and are to be construed harmoniously with such statutes.

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:

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

Authorized school personnel: shall consist of three groups:

- 1) 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.
- 2) 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.
- 3) The evaluation Team 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 child in place of or in conjunction with the father, mother, or guardian. The term as used in 603 CMR 23.00 shall include a divorced or separated parent, subject to any written agreement between parents or court in order

governing the rights of such a parents that is brought to the attention of the school principal.

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 maintain 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.

LEGAL REFS.:

Family Educational Rights and Privacy Act of
1974, P.L. 93-380, Amended P.L. 113-382, 1994
M.G.L. 66:10 71:34A,B,D,E

Board of Education Student Record Regulations adopted 2/1077 and June 1995