

**Cambridge Public Schools
Administrative Guidelines and Procedures**

STUDENT RECORDS

In accordance with the Cambridge School Committee Student Records Policy, the Cambridge Public Schools (“CPS”) shall comply with all state and federal legal requirements relating to student records.

I. Definitions

Any information maintained by CPS on a student, in which the student is individually identified, qualifies as a *student record*. Under the Family Educational Rights Privacy Act (“FERPA”), the provisions of Section 34D of Chapter 71 of the Massachusetts General Laws, and regulations promulgated under these federal and state laws, student records and the information contained therein are to be treated in a confidential manner and are not to be released except in accordance with these guidelines and procedures. Student records include both the transcript and the temporary record of a student.

A *transcript* is a collection of administrative records that reflect the student’s educational progress, including the following information:

- the student’s name, address, telephone number, and birth date;
- the names, address(es), and telephone number(s) of the student’s parents/guardians;
- the titles of courses taken by the student, the student’s grades or equivalent when grades were not applicable, and the associated course credit; and
- the grade levels completed by the student and the years in which they were completed.

A student’s transcript must be retained for at least sixty (60) years after the student leaves the school system.

A *temporary record* is comprised of all information in the student record that is not contained in the transcript and is of clear importance to the educational process. The temporary record must be destroyed no later than seven (7) years after the student leaves the school system. Information added to the temporary record must include the name, position, and signature of the person who constitutes the source of the information, as well as the date of entry into the record. As an exception, standardized group test results need only include the name and/or publisher of the test and the date of testing.

A temporary record must contain the following information, if applicable to the student:

- support for the actual costs of the student’s special education program;
- notes, memory aids, and other information in a school employee’s personal files, if released to authorized school personnel and shared with the student, a parent/guardian of the student, or a temporary substitute of the maker of the record;

- efforts by the principal/head of upper school regarding instructional practices and support responsive to student needs, the results of those efforts, and any consultation with the Assistant Superintendent for Student Services regarding accommodations and interventions for the student;
- documentation from the Assistant Superintendent for Student Services pertaining to the student's placement in a program that has not been approved by CPS, in accordance with the requirements of 603 C.M.R. § 28.06(e);
- specific, informed, written consent for a third party to access the student record;
- a copy of written expression by the student, if eighteen (18) years of age or older, limiting his/her parents'/guardians' rights with regard to the student record; and
- documentation indicating that a non-custodial parent's access to the student record is limited or restricted, if it is so limited or restricted pursuant to 603 C.M.R. § 23.07(5)(a).

Please note that any recordings, film, photographs, audiotapes or videotapes of a student's image, likeness, spoken words, student work or learning experiences, performance and movement, in any form, that are created or are maintained by the school and/or school district are considered part of a student record and are subject to the federal and state laws and regulations governing student record information.

II. Access to Student Record Information

A student record may be accessed by the student's parents/guardians and/or by the student himself/herself, if he/she is an eligible student. For the purposes of access to student record information, an *eligible student* is a student who is fourteen (14) years of age or older and/or who has entered the ninth grade. Parents/guardians and eligible students may also authorize third party access to the student record. Please note that special procedures apply for processing requests for student records made by non-custodial parents. *See* pages 3-4 of these guidelines.

A student's parents/guardians and an eligible student have the right to inspect all portions of the student record or to receive a copy of any part of the student record upon request. The student record must be made available not later than ten (10) days after the request is made, unless the requesting party consents to a delay. Alternatively, a student's parent/guardian or an eligible student may request to have any part of the student record interpreted by a qualified professional of the school, or may invite any other person of his/her choosing to inspect and/or interpret the student record. If a student's parent/guardian and/or an eligible student is inspecting a student record, a school employee must remain present during the course of inspection to ensure the security of the record.

If a student is eighteen (18) years of age or older, the student's parents/guardians may access the student record until and unless the student expressly limits their access in writing.

School personnel working directly with a student may access information in the student record without the specific, informed, written consent of either the student or his/her parents/guardians. School personnel may only access student record information when such access is required in the performance of their official duties.

Except for a few limited exceptions, no other individuals or entities are allowed access to information in the student record unless the school has received specific, informed, written consent for the release of the specified information from the student's parent/guardian or the eligible student.

III. Requests by Non-Custodial Parents

Pursuant to 603 C.M.R. § 23.07(5), non-custodial parents (i.e. parents who do not have physical custody of their children) are eligible to obtain access to their children's student records unless the school or district has been given documentation evidencing:

- that the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student, specifically noted in the order pertaining to custody or supervised visitation;
- that the parent has been denied visitation;
- that 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
- that there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

Non-custodial parents who fall into any of these categories may **not** have access to the student record and the school must place in the student record documentation in the temporary record of the student indicating that the non-custodial parent's access to the student record is limited or restricted pursuant to 603 C.M.R. § 23.07(5)(a). Additionally, the school must promptly enter a Legal Alert in the student's record in ASPEN indicating that the non-custodial parent's access to the student record information is restricted because of a court order or a restraining order in order to ensure that school personnel have ready access to this information. The alert should include the date of the order, the name of the non-custodial parent and a statement that a twenty-one (21) day written notice must be sent to the custodial parent when a request for student record information has been received from a non-custodial parent before any student record information is released to the non-custodial parent.

The non-custodial parent must submit a written request for the student record to the principal. In processing such a request the school must follow certain procedures:

1. 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 twenty-one (21) days, unless the custodial parent provides the principal/head of upper school with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 C.M.R. § 23.07(5)(a). Schools should use the CPS standard form letter that has been created for the purpose of notifying the custodial parent.

Additionally, if the student has an individualized education program and the request from the non-custodial parent is a request to meet with members of the student's team, the school, in addition to issuing the letter detailed above, must also issue a team meeting invitation notice that also includes the custodial parent. Any such meeting with the non-custodial parent has to be scheduled after the twenty-one (21) day notice period has expired.

2. The school must delete all contact information (e.g. address, work and/or home telephone numbers, or e-mail addresses) of the custodial parent from the student record as provided to the non-custodial parent.
3. The student record as provided to the non-custodial parent must be marked with the phrase "**DOCUMENT CANNOT BE USED TO ENROLL STUDENT IN SCHOOL.**"
4. Upon receipt of a court order that prohibits the distribution of information pursuant to Section 34H of Chapter 71 of the Massachusetts General Laws, the school shall notify the non-custodial parent that it shall cease to provide the non-custodial parent with access to the student record. Additionally, a copy of this court order should be placed in the student's temporary record and a Legal Alert must be promptly entered into the student's record in ASPEN. The alert should include the date of the order, the name of the non-custodial parent and a statement that the court order prohibits the non-custodial parent from having access to the student record or any information contained therein.

IV. Releasing Student Record Information

When a school receives a request for student record information to be released to an individual who is neither the student's parent/guardian nor the student himself/herself, whether the request is written or oral, certain guidelines and procedures must be followed.

Requests by Third Parties

A request for student record information made by a third party must be accompanied by the specific, informed, written consent of the student's parent/guardian and/or the eligible student. A sample release form is attached to these guidelines and procedures for reference.

Requests by the Department of Children and Families

A request for student record information made by the Department of Children and Families (“DCF”) may be concomitant with any of three sources of authorization:

1. The request may be accompanied by the specific, informed, written consent of the student’s parent/guardian and/or the eligible student.
2. The request may be accompanied by a copy of a valid court order for the requested student record information. Although no consent is required to accompany the request, the student’s parents/guardians and/or the eligible student must be informed of the request before any student record information is released.
3. The request may be made in connection with DCF’s investigation of a report of child abuse. In such cases, the request should be honored without a court order and without consent of the student’s parent/guardian and/or the eligible student. The school, however, should document the name of the investigator making the request, photocopy the identification of the investigator, and confirm with the investigator’s supervisor that such an investigation is being undertaken.

Subpoenas/Courts Orders

When a school receives a subpoena or court order for the production of student record information, a copy of that subpoena or court order should be forwarded promptly to the Office of Legal Counsel for processing of the required issuance of notices to parents/guardians regarding the subpoena and/or court order and required production of documents responsive to the subpoena and/or court order.

V. Providing Student Record Information to Other School Districts

When a student transfers to a new school district, the student, his/her parents guardians, or the school district from which he/she is transferring must provide the new school district with a complete copy of his/her student record, including any incidents involving suspension, expulsion, or any disciplinable offense.

VI. Publishing and Other Disclosures of Student Record Information

Any recordings, film, photographs, audiotapes or videotapes of a student’s image, likeness, spoken words, student work or learning experiences, performance and movement, in any form, that are created or are maintained by the school and/or school district are considered part of student record and are subject to the federal and state laws and regulations governing student record information. There must be a signed media release on file before making any recordings, film, photographs, audiotapes or videotapes a student’s image, likeness, spoken words, student work or learning experiences, performance and/or movement. Additionally, verification that a signed media release is on file must occur before a student’s image, likeness, spoken words, student work or learning experiences, performance and movement, in any form, are published,

disclosed to third parties or are posted or distributed through the Internet or other electronic or digital media, including without limitation, being posted on CPS' website or social media.

Similarly, before any student record information is posted on-line, the on-line technology that is being utilized by school staff must have been approved by the Cambridge Public Schools Information, Communication and Technology Services Department in accordance with the approval procedures detailed in the Web 2.0 Procedures section of the Cambridge Public Schools Technology Use Guidelines.

VII. Amendment of Student Records

The parent/guardian and student, as applicable, have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent/guardian and student, as applicable, have the right to make a written request that information in the record be amended or deleted, except for information added to the student record as a result of a special education team meeting, which may not be amended or deleted until after the acceptance of the Individualized Education Plan or completion of the appeals process.

The parent/guardian and student, as applicable, have a right to confer with the principal to make an objection to certain content in the student record or to make any such objection in writing. Within one (1) week of the conference or receipt of the written objection, the principal/head of upper school must render a decision in writing.

If the parent/guardian and/or student, as applicable, are not satisfied with the principal/head of upper schools' decision, the regulations contain certain provisions through which the decision may be appealed to the Superintendent of Schools or designee.

VIII. Destruction of Student Records

The student record laws set forth different time periods for the retention and destruction of different portions of student records. Please note that no records should be destroyed if there is pending litigation involving the student and his/her records.

Destruction of Transcripts

A student transcript must be maintained for sixty (60) years following the student's graduation, transfer, or withdrawal from the school district. Only after the expiration of this sixty (60) year period should the student transcript be destroyed.

Periodic Review of Temporary Records

The principal/head of upper school or designee shall periodically review the temporary records of all currently enrolled students and identify for destruction any misleading, outdated, or irrelevant information. Prior to destroying any such information, the student and his/her parents/guardians must be given written notification of the intent to do so and be given the opportunity to receive a copy of the information prior to its destruction. Additionally, a copy of

the written notice issued to the student and his/her parents/guardians regarding the intent to destroy such information must be placed in the student's temporary record.

Destruction of Temporary Records

A student's temporary record shall be destroyed no later than seven (7) years after the student graduates, transfers, or withdraws from the school district. At the time of the student's graduation, transfer, or withdrawal from the school district, the student and his/her parents/guardians must be given written notification of the approximate date of destruction of the temporary record and their right to receive the information contained therein either in whole or in part. Such notice shall be in addition to the annual information letter issued by the school regarding standardized testing programs, research studies, and student record information.

IX. Consequences for Failing to Comply with Student Record Regulations

CPS employees must observe all federal and state student record regulations, including those provisions regarding the confidentiality of student records and the information contained therein. CPS employees who release student record information in violation of federal law, state law, and/or these guidelines and procedures will be subject to disciplinary action, up to and including termination.

Additionally, pursuant to Section 34B of Chapter 71 of the Massachusetts General Laws, if a school official refuses or neglects to furnish a transcript by thirty (30) days after a request for the transcript was made, the student or former student requesting the transcript, or his/her parent/guardian or next friend if the student is a minor, may petition to the superior court of the county for enforcement.

Eligible students and parents/guardians can seek enforcement of student records statutes and regulations in court pursuant to 603 C.M.R. § 23.09.

X. Annual Notification

At least once a year, each school should distribute a "policy statement" to all students and their parents/guardians, provided in the student's home language, either as part of its student handbook or as a separate document, informing students and their parents/guardians of:

- standardized tests and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year;
- the right of students and their parents/guardians to have access to student records, to add relevant material, and to request deletion of objectionable material;
- the right of students and their parents/guardians to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and Section 99.31 of Title 34 of the Code of Federal Regulations authorize disclosure without consent;

- the right of students and their parents/guardians to file with the United States Department of Education a complaint concerning alleged failures by the school or CPS to comply with the requirements of FERPA and Section 99;
- the procedure for exercising the right to inspect and review education records;
- the procedure for requesting amendment of records;
- a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest
- notification that copies of the state regulations pertaining to student records are available to them at the school.
- notification that a student's name, class, participation in officially recognized activities, sports, degrees, honors and awards, and post-high school plans may be released except for reasons of safety or health without their consent unless the student or his/her parent/guardian informs CPS by October 1 each year that such information should not be released without their prior consent.

XI. Questions on Student Records

All inquiries concerning compliance with student records regulations or these guidelines and procedures should be addressed to the Office of Legal Counsel.

Policy references: JRA, KBBA

Legal references: Mass. Gen. Laws, ch. 71, §§ 34 A-B, D-E, H, L; 603 C.M.R. §§ 23.00, 28.00; 20 U.S.C. § 1232g; 34 C.F.R. § 99

Last updated: August 20, 2019

**AUTHORIZATION FOR RELEASE OF STUDENT RECORDS
AND/OR STUDENT RECORD INFORMATION**

I, _____, authorize the Cambridge Public Schools to release copies of and/or information regarding the student record of my son/daughter, _____ to _____.

(Insert name of son/daughter)

I further represent that I have authorized _____ to receive a copy of my son/daughter's student record and/or student record information as indicated above.

By signing this Authorization for Release of Student Records and granting permission as stated herein, I am releasing the City of Cambridge, the Cambridge Public Schools and its individual schools and their respective officers, directors, agents and/or employees from and against all claims arising out of the release of my and/or my son/daughter's student records and/or information contained in my son/daughter's student records and any subsequent use of this information by the designated recipient and his/her respective officers, directors, agents and/or employees.

I have read this Authorization for Release of Student Records and understand its terms. I sign it voluntarily and with full knowledge of its significance.

Student Name

Grade

Date of Birth

Parent/Guardian Signature

Date

Student Signature (if over 16)

Date