




The Importance of Information Privacy and Confidentiality

The content of this presentation is drawn from or directly excerpted from Family Educational Rights and Privacy Act (FERPA), M.G.L. c. 71, s. 34H, and 603 CMR 23.00.



FERPA

Federal Statute and Regulations

1. The federal Family Educational Rights and Privacy Act (FERPA) requires schools to protect the privacy of student records, and gives parents and students rights including inspection and review of student records.
2. The Massachusetts Student Record Regulations are consistent with the FERPA statute and regulations.

Student Record Regulations

The Student Record Regulations adopted by the Board of Education apply to all public elementary and secondary schools in Massachusetts. The regulations are designed to:

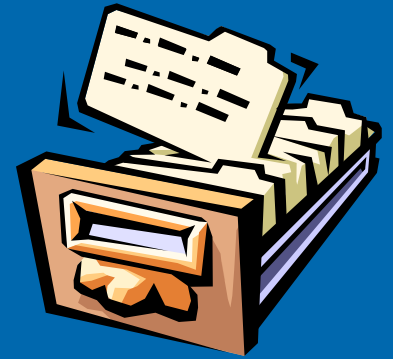
- insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records, and to
- assist school authorities in carrying out their responsibilities under state and federal law.

Defining Student Records

The regulations apply to all information kept by a school or school district on a student in a way that the student may be individually identified. The regulations divide the record into two parts: the transcript and the temporary record.



The Transcript



The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes name, address, course titles, grades, credits, and grade level completed. The transcript is kept by the school district for at least sixty years after the student leaves the system.


The Temporary Record

- The temporary record contains the majority of the information maintained by the school about the student. This may include such things as standardized test results; class rank; school-sponsored extracurricular activities; evaluations and comments by teachers, counselors, and other persons; disciplinary records; and other information, including identifiable e-mail messages about students.
- The temporary record is destroyed within seven years after the student leaves the school system.

Student Record Regulations

The following is a summary of the major provisions of the Student Record Regulations concerning the rights of parents and eligible students.

Under the regulations, "eligible students" are at least 14 years old or have entered the ninth grade; they may exercise these rights just as their parents may.

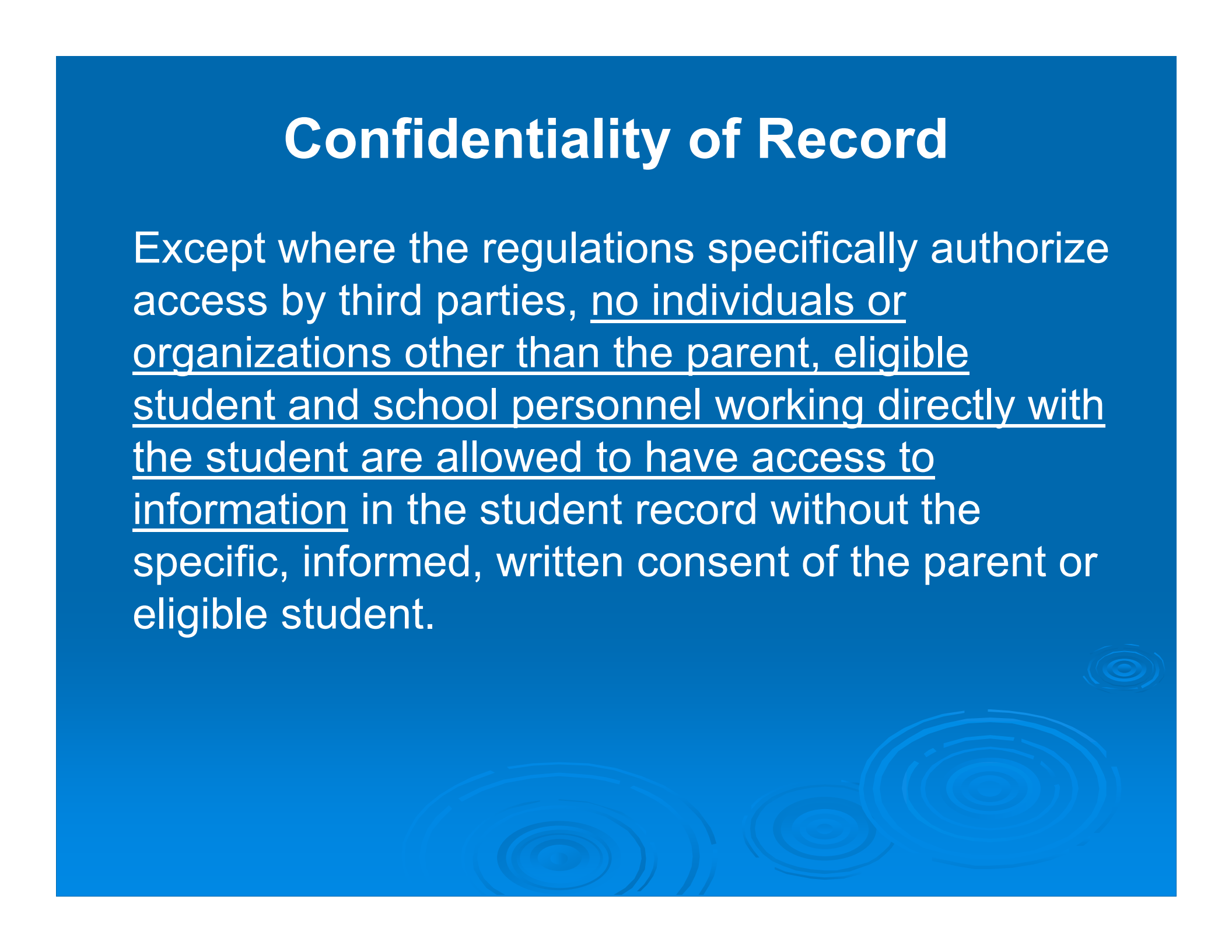


Inspection of Record

- A parent or an eligible student has the right to inspect all portions of the student record upon request.
- The parent and eligible student have the right to receive a copy of any part of the record, although the school may charge a reasonable fee for the cost of duplicating the materials.
- The parent and eligible student may request to have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record with them.

Confidentiality of Record

Except where the regulations specifically authorize access by third parties, no individuals or organizations other than the parent, eligible student and school personnel working directly with the student are allowed to have access to information in the student record without the specific, informed, written consent of the parent or eligible student.



Amendment of Record

- The parent and eligible student have the right to add relevant comments, information, or other written materials to the student record.
- In addition, the parent and eligible student have a right to request that information in the record be amended or deleted. They are entitled to meet with the principal (or the principal's designee) to discuss their objection to information that is in the record, and to receive a written decision.
- A parent or eligible student who is not satisfied with the principal's decision may appeal to higher authorities in the school district.

Destruction of Records

- The regulations require school authorities to destroy a student's temporary record within seven years after the student transfers, graduates or withdraws from the school system.
- School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system.
- In each case, the school must first notify the parent and eligible student and give them the opportunity to receive a copy of any of the information before it is destroyed.

Please read through
Education Laws and Regulations
603 CMR 23.00
Student Records
at this link:

<http://www.doe.mass.edu/lawsregs/603cmr23.html?section=all>

(right click – choose Open Hyperlink)

Student Handbook

Please read through the FERPA section of the HWRSD Student Handbook. It is found in the Student Records on page 29 at this link:

<http://www.hwrsd.org/education/handbook/k12handbook.pdf>

FAQs

- Student Records: Questions, Answers and Guidelines

http://www.doe.mass.edu/lawsregs/advisory/cm_r23qanda.html, (*right click and choose Open Hyperlink*)

Access to Student Records by Non-Custodial Parents – Final Regulation

- Chapter 62 of the Acts of 2006, which was signed into law on April 13, 2006, amends section 34H of chapter 71 of the Massachusetts General Laws concerning access to student records by non-custodial parents. Non-custodial parents are entitled to access to their child's information unless they are currently denied legal custody or visitation, are subject to supervised visitation, or are subject to protective orders. Parents requesting information are to do so in writing to the school principal. The school is required to search student records for evidence of documents restricting parental access to the requested information, and to provide notice to the custodial parent.
- The Student Records Regulations, 603 CMR 23.00, have been amended to incorporate the new provisions of state law. They are posted at <http://www.doe.mass.edu/lawsregs/603cmr23.html>.
- The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060062.htm>.

Remember

- School personnel are only allowed to have access to information pertaining to the students with whom they work.
- Always remember that it is not only unprofessional and dishonorable to break confidentiality, but it is also illegal.

Tips for Avoiding Problems

- Be careful with whom you share information. The person must be directly involved with the student's education.
- Knowing or meeting parents outside of school doesn't change your responsibilities to honor the rules of confidentiality.
- You should not answer parents' questions about their own child or other students in public.

Sign-Off in School Office

- Upon completion of the slide presentation and the reading assignment, **Education Laws and Regulations 603 CMR 23.00 Student Records**, please sign the designated sheet available in the school office.
- Bring questions to the attention of your school administrator.

References

- Family Educational Rights and Privacy Act (FERPA), M.G.L. c. 71, s. 34H, and 603 CMR 23.00.
- <http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html?section=other>

THANK YOU
FOR YOUR ATTENTION TO THESE
IMPORTANT LEGAL ISSUES

Please sign the designated sheet at the school office to acknowledge viewing this presentation.

