

POLICY MANUAL	Ipswich Public Schools FILE CODE: JFJ
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**Policy Statement of Parent and Eligible Student
Privacy Rights Concerning Student Records**

It is the policy of the Ipswich School System to comply with the provisions of the Buckley Amendment, otherwise known as the Federal Family Educational Rights and Privacy Act of 1974 (Public Laws 93-380 and 93-568; 20 U.S.C. ' 1232g) and the Student Records Regulations adopted by the State Board of Education at its meeting of February 24, 1976, and as amended in June, 1995, under the authority of Chapters 71, 71B and Chapter 76 of the General Laws (603 Code Mass. Regs. ' ' 23.01-23.12), governing the privacy of student records. In accordance with this policy, the Ipswich School System will provide an annual notice of rights in the school's student/parent handbook.

Parents (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 order governing the rights of such a parent that is brought to the attention of the school principal.) and eligible students (shall mean any student who is 14 years of age or older or who has entered 9th grade or higher, 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 not yet entered 9th grade) have the right to inspect and review the student's educational records. Parents and eligible students who wish to review the student's educational records must provide the school principal with notice indicating their desire to review the student's educational records. Unless the requester agrees to a longer period, access should be granted within two weekdays of the request.

Parents and eligible students shall have the right to make copies of all educational records that pertain to the student in question unless the right to make copies of the material in question is specifically prohibited by state or federal law. The Ipswich School System may charge ten cents (10¢) per photocopy page. If the Ipswich School System is not able to photocopy a specific item, the parents or eligible student may be charged the actual expenses incurred by the Ipswich School System in reproducing the material. The Ipswich School System will not charge a fee to search for or retrieve such records.

All educational records are maintained at the school of attendance. In the case of those students who no longer attend the Ipswich School System, all educational records are maintained at the school within the Ipswich School System which the student last attended. In the case of those students who have never attended the Ipswich Public Schools, but are placed in private special education programs by the Ipswich School System, all educational records are maintained at both the private school and the appropriate Ipswich school. The principal may designate someone to act in his/her place as custodian of the records. The business addresses for each of the schools in the Ipswich School System is as follows:

Doyon Elementary School, 216 Linebrook Road, Ipswich, MA 01938
Winthrop Elementary School, 65 Central Street, Ipswich, MA 01938
Ipswich Middle School, 130 High Street, Ipswich, MA 01938
Ipswich High School, 134 High Street, Ipswich, MA 01938

The Ipswich School System will not disclose personally identifiable records of students without prior written consent of a parent or the eligible student except as permitted under federal or state statute and corresponding regulations. The written consent must be signed and dated by the parent or eligible student giving consent and shall include:

1. A specification of the records or parts of the records to be disclosed;
2. The purpose or purposes of the disclosure; and
3. The party or class of parties to whom the disclosure may be made.

When disclosure is made in compliance with written consent, the Ipswich School System shall, upon request, provide a copy of the record which is disclosed to the parent of the student or to the eligible student. Except for information described in paragraph C below, personally identifiable information of a student shall be released to a third party only upon the condition that the third party will not permit any other party access to such information, without written consent of the eligible student or parent.

Federal and State statutes and regulations, among other things, authorize that:

- A. The Ipswich School System may release personally identifiable records of a student without prior notice or consent from the parent or eligible student, to a school outside the Ipswich School System at which the student seeks or intends to enroll.
- B. The Ipswich School System shall release the student transfer card, transcript, health record and special education plan and pertinent assessment to the authorized school personnel of the school to which a student transfers, if the school the student is leaving notifies the eligible student or parent that these records will be transferred, unless the parent or eligible student requests, within ten weekdays, that some or all of these records not be transferred.
- C. A school may release a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent: provided that the school gives public notice of the types of information it may release under this section and allows eligible students and parents a reasonable time after such

notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10. A request must be made for each school year. Such requests shall be written, dated and addressed to the principal of the student's school. All such requests shall lapse on the first day of October immediately following the request, except that requests received in September shall remain effective until the first day of October of the following year. A copy of a form to be used in making such a request is attached to this notice.

- D. The Ipswich School System may disclose personally identifiable information from the education records of a student, without the written consent of the parent of the student or the eligible student, to authorized school personnel within the Ipswich School System who have legitimate educational interests in the student's records.
- E. Additionally, State Regulations expressly permit access to student records including access by federal and state education officials, and access in case of a safety or health emergency, or when a student is missing. (603 CMR Section 23.07(4)(d)-(F))

Authorized school personnel shall consist of four groups:

1. School administrators, teachers, and counselors who are employed by the school committee and who are working directly with the student in an administrative, teaching, counseling and/or diagnostic capacity.
2. Administrative office staff and clerical personnel who are employed by the school committee and whose duties require that they have access to student records for the purpose of processing information for the student record.
3. The Evaluation Team which evaluates a student.
4. The school nurse or other health personnel who inspects, adds to or maintains the student's health record.

Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, and data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

F. The Ipswich School System, upon receipt of a court order or lawfully issued subpoena, or request from a probation officer, a Justice of any court, the Department of Social Services or the Department of Youth Services as authorized by statute (M.G.L. c.119, ' ' 57, 69, 69A), shall release information regarding a student, provided that a reasonable effort is made to notify the eligible student or parent of all such orders, subpoenas or requests in a reasonable time, that the eligible student or parent may seek to have the process quashed under M.G.L. c.66A ' 2(k).

The principal shall be responsible for maintaining a list of all persons who have obtained access to the student records, other than the eligible student or parent or authorized school personnel (unless student record information is to be deleted or released). The list will be kept in an envelope in the student records. The list shall state the name, position and signature of the person releasing the information and the name, position, affiliation, if any, of the person who is to receive the information, the legitimate interests the person had in requesting or obtaining the information, the date and purpose of such access and the parts of the student records to which access was obtained. The parent or eligible student may review this list by following the same procedures applicable to reviewing student records.

The eligible student or the parent of a student, who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student, shall have the right to add information, comments, data, or any other relevant written material to the student record. The eligible student or the parent shall have the right to request in writing to the principal, deletion or amendment of any information contained in the student record, except for information which was inserted into that record by a Team. Such information inserted by a Team shall not be subject to such a request until after the acceptance of the Team Educational Plan, or, if the Team Educational Plan is rejected, after the completion of the special education appeal process. The principal will respond with a written explanation of his/her decision. If the decision of the principal as to any student record privacy provisions is unsatisfactory in whole or in part to the eligible student or parent, he/she shall have the right, in addition to any other rights he/she may have before a court or administrative agency, to institute an appeal process by writing to the Superintendent of Schools, One Lord Square, Ipswich, MA 01938. If the eligible student or parent is not satisfied with the ruling of the Superintendent, a further appeal may be made to the School Committee in accordance with Section 23.09(3) and (4):

1. In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the school committee. Request for such appeal shall be in writing to the chairperson of the school committee.
2. The school committee shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.
 - (a) School officials shall have the burden of proof on issues presented by the appellant.
 - (b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing.
 - (c) If the appeal concerns statements by an employee of the school committee, such person(s) shall have the right to be present and to have an advocate of his/her own choosing.

The Federal statute and regulations are enforced by the Family Educational Rights and Privacy Act Office, Department of Education, 400 Maryland Avenue, SW, Washington, D. C. 20222, which is empowered to investigate timely written complaints.

Adopted: October 18, 1984
Adopted Revision: March 21, 2002
Reviewed by Policy Subcommittee on January 12, 2009

APPENDIX A

ANNUAL NOTICE REGARDING THE PRIVACY OF STUDENT RECORDS AND THE RELEASE OF DIRECTORY INFORMATION

ANNUAL NOTICE TO STUDENTS AND PARENTS OF STUDENTS OF THE IPSWICH PUBLIC SCHOOL SYSTEM REGARDING FEDERAL AND MASSACHUSETTS, DEPARTMENT OF EDUCATION, BUREAU OF STUDENT RECORDS REGULATIONS CONCERNING THE PRIVACY OF STUDENT RECORDS AND THE RELEASE OF DIRECTORY INFORMATION

The Federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. ' 1232g) and regulations adopted by the United States Department of Education (34 CFR ' ' 99.1-99.67) and Massachusetts statutes and regulations (M.G.L. c. 66 ' 10; c.71 ' ' 34A-34E; c.71B, ' 3; c.76 and 603 Code Mass. Regs. ' ' 23.0-23.12) grant parents of students, along with "eligible students" (students who have attained fourteen years of age, or who entered 9th grade) certain rights relative to education records maintained by the Ipswich School System. A parent means a student's mother, father, guardian, person or agency legally authorized to act on behalf of the child in place of or in conjunction with a parent or guardian. Unless there is a written agreement between the mother and father, or a court order governing the parents' rights that is brought to the attention of the school principal, a parent also means a divorced or separated parent.

These rights include but are not limited to, the following:

First, parents may inspect and review the education records of their children, and eligible students may inspect and review their own education records.

Second, a parent of a student, or an eligible student, may request that the student's education records be amended or that statements be added to the record, and may request a hearing if the records are inaccurate, misleading, or invade the privacy or other rights of the student.

Third, the statutes and regulations forbid the disclosure of personally identifiable education records without prior written parental consent, or prior written consent by the eligible student, except in certain specified situations.

One of the situations where information regarding a student may be released without prior consent is when the data consists of any of the following kinds of directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans. A parent of a student, or an eligible student, may request that any or all of these categories of information not be dispensed with respect to that student. A request must be made for each school year. Such requests shall be

written, dated and addressed to the principal of the student's school. All such request shall lapse on the first day of October immediately following the request, except that requests received in September shall remain effective until the first day of October of the following year. A copy of a form to be used in making such a request is attached to this notice.

The federal statute and regulations are enforced by the Family Educational Rights and Privacy Act Office, Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20222, which is empowered to investigate timely written complaints.

In order to implement the statutes and regulations, the Ipswich School Committee has adopted a written policy which is available to parents and eligible students upon request. Copies of the policy and the Massachusetts regulations may be obtained at the Superintendent's Office, One Lord Square, Ipswich, or any school office. Parents and students are referred to federal and state statutes, and accompanying regulations, and school district policy for further information.

Adopted: October 18, 1984

Adopted Revision: March 21, 2002

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