

NON-CUSTODIAL PARENTS' RIGHTS

The Mansfield Public Schools will follow state law and the regulations developed by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

Records include paper or electronic "report cards and progress reports; the results of intelligence and achievement tests; notification of referral for a special needs assessment; notification of enrollment in an English language learners program established under M.G.L. c.71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school." Records may be in paper or electronic form.

As required by M.G.L. c. 71, § 34H, 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 based on a threat to the safety of the student or to the custodial parent, or
 2. The parent has been denied visitation or has been ordered to supervised visitation, or
 3. The parent's access to the student or to the custodial parent 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 that prohibits the distribution of student records to the parent.

- b) The school will 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 603 CMR 23.07(5)(a).

In order to obtain access, the non-custodial parent must submit a written request for the student record to the school Principal.

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 603 CMR 23.07 (5)(a).

The school must delete the electronic and postal address and telephone number of the student and custodial parent from student records provided to non-custodial parents and

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must mark such records to indicate that the records will not be used to enroll the student in another school.

Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school will notify the non-custodial parent that the school will cease to provide access to the student record to the non-custodial parent.

ADOPTED: January 24, 2017

LEGAL REF.: M.G.L. 71:34D; 71:34H
603 CMR 23.07 (5), Access Procedures for Non-Custodial Parents
Regulations
20 U.S.C. §1232g Family Education Rights and Privacy Act

SOURCE: MASC