

NON-CUSTODIAL PARENTS' RIGHTS

In August 2006, the Board of Education adopted final technical amends to the Student Records Regulations to make them consistent with M.G. L. c. 71, §34H, as most recently amended by Chapter 62 of the Acts of 2006. The state statute and regulations expand the categories of non-custodial parents who are eligible to obtain access to their children's student records and are consistent with the federal Family Educational right and Privacy Act.

As set forth in the amended regulations, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records unless the school or district has been given documentation that:

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. 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
4. there is an order of probate and family court judge, which prohibits the distribution of student records to the parent.

LEGAL REF: M.G.L. 71:34H
603 CMR 23.07 (5)

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Hull Public Schools