

# **Brockton Public Schools School Committee Policy**

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## **NON-CUSTODIAL PARENTAL RIGHTS (General Laws Chapter 71, Section 34H)**

As required by G.L. Ch. 71, Sec. 34H, a non-custodial parent may have access to the student record in accordance with the law and Department of Education Regulations. The school district will follow the law and the attachments recommended 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"). The implementation of this policy will hopefully encourage parents to be involved in and informed about the education of their children, while protecting the rights and safety of all parties.

Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section (Chapter 71: Section 34H) and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program; notification of absences; notification of illnesses; notification of any detentions, suspensions, or expulsion; and notification of permanent withdrawal from school. Each school shall make reasonable efforts to ensure that other written information is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare which are not granted through the award of custody.

**A non-custodial parent is eligible to obtain access to the student record unless:**

- 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 a probate and family court judge which prohibits the distribution of student records to the parent.

All such documents limiting or restricting parental access to a student’s records or information which have been provided to the school or school district shall be placed in the student’s record.

**Distribution of Student Records to Eligible Non-Custodial Parents**

Name of Student \_\_\_\_\_

Name of Custodial Parent \_\_\_\_\_

Name of Requesting Parent \_\_\_\_\_

Name of Staff Member verifying information \_\_\_\_\_

\_\_\_\_ The requesting parent submitted a one time written request for the records to the school principal. Date of request \_\_\_\_\_(Place in student’s record)

When the school received the records request from the non-custodial parent

- 1. The school immediately notified the custodial parent of the request by certified mail and by first class mail, in both the primary language of the custodial parent and in English. The notice informed the custodial parent that information requested pursuant to Section 34H is to be provided to the requesting parent after 21 days, unless the custodial parent provides the principal with documentation of an applicable court order.  
Date of notice: \_\_\_\_\_
- 2. The school is aware that it may seek reimbursement for the cost of postage from the requesting parent.
- 3. The eligible parent has the right of access to the entire student record and other written information that is provided to the custodial parent. The non-custodial parent does not need to make a yearly request for records.
- 4. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided.

**or**

The otherwise eligible parent's right of access to the entire student record has been specifically limited by court order.

Note limitations, if any \_\_\_\_\_

The school shall 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).

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

LEGAL REF.: M.G.L. 71:34H

603 CMR 23.07 (5) Access Procedures for Non-Custodial Parents