Student permanent record files: the right to privacy related to the content and accessibility of student records in Massachusetts public high schools.

William Edward Allen

University of Massachusetts Amherst

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STUDENT PERMANENT RECORD FILES: THE RIGHT 
TO PRIVACY RELATED TO THE CONTENT AND 
ACCESSIBILITY OF STUDENT RECORDS IN 
MASSACHUSETTS PUBLIC HIGH SCHOOLS 

A Dissertation Presented 

By 

William Edward Allen 

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STUDENT PERMANENT RECORD FILES: THE RIGHT TO PRIVACY RELATED TO THE CONTENT AND ACCESSIBILITY OF STUDENT RECORDS IN MASSACHUSETTS PUBLIC HIGH SCHOOLS

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By

William Edward Allen

Approved as to style and content by:

[Signatures]

(Chairman of Committee)

(Head of Department)

(Member)

(Member)

(Member)

(month) (year)
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An increasingly important issue in modern society is that of the individual's right to privacy. William Beaney defines the right to privacy as

... the legally recognized freedom or power of an individual to determine the extent to which another individual may (a) obtain or make use of his ideas, writings, name, likeness or other indicia of identity, or (b) obtain or reveal information about him or those for whom he is personally responsible, or (c) intrude physically in more subtle ways into his life space and his chosen activities.

Historically, the public school, as an institution, has had to deal in one way or another with the great social issues of the time. Of course, one of the age-old questions has been, "Should the schools cause changes in the society or should they simply reflect and attempt to keep up with the societal change?"

The schools presently find themselves being pressured to make such a stand on a number of social issues. One of the issues in modern society which is becoming increasingly more important is that of the individual's right to privacy. It is obvious that the issue has many implications in the school.

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setting, not the least of which is in the area concerned with the content and accessibility of the students' permanent record files. In attempting to find solutions to this issue one would naturally look to our legal system to search for the answer. For, surely, the right to privacy must have been a concern for the framers of the Constitution.

The Law, the Courts, and Privacy

A reading of the United States Constitution reveals no mention of the right to privacy being granted to the citizens of this nation. Surprisingly enough, there is no common law granting of the right to privacy to individuals or groups. ²

It appears that one of the earliest attempts to create a basis for the individual's right to privacy was made in 1890 by two lawyers, Charles Warren and Louis D. Brandeis. These men co-authored an article which was published in the Harvard Law Review and dealt with the issue of privacy. ³ In this article the authors attempted to create a basis for the individual's right to privacy in the "modern" era. The Warren and Brandeis article has subsequently served as the focal point of considerable


non-judicial, legal discussion⁴ and has probably been influential in some tort action.

The degree of impact exerted by the article is indicated by the fact that shortly after the Warren and Brandeis article was written, the courts, both state and federal, began to hear cases of alleged invasions of privacy by the press and by the government. Between 1935 and 1965 nearly four hundred decisions were handed down by the courts.⁵ The decisions have been diverse, ranging from the extreme of supporting what would appear to be blatant invasions of privacy,⁶ to determining what is newsworthy,⁷ to supporting the individual against governmental intrusion.⁸

The Supreme Court decisions involving the government as an intruder into the individual's right to privacy created an


⁵O'Connor, ibid.


interest in the subject by members of the United States Senate. Since 1940 the Senate has been involved in an almost continuous investigation of "snooping" and record keeping by various governmental agencies.9

During February and March, 1971, the Senate Subcommittee on Constitutional Rights conducted four weeks of hearings on the subject of the government's collection of information about American citizens. The consensus of the testimony heard during the sessions emphasized that legislation, not litigation, is the way to meet the threat posed by data banks and electronic eavesdropping.10

Public Schools and Records

State governments and their agencies are also record keepers. One of the agencies of the state that has traditionally kept records is the local school system. It is a necessary and desirable aspect of the school's service to its clients to keep records. The practice of record keeping by the schools has been an unobtrusive process. Twenty years ago a student's permanent record file contained reports of his work, attendance and punctuality data, his test scores and his grade.11


Today, due to the increased service offered its clients, virtually all school systems maintain extensive student permanent record files containing a wide range of information. The collection and storing of information about a student creates a potential for intrusion into the privacy of the student, as well as that of his family. However, society and the state legitimize these intrusive acts in those areas where the information collected by the schools can be demonstrated to be necessary to the performance of educational functions.

It is possible that the current practices of schools, related to the collection and dissemination of information about pupils, threaten the individual's right to privacy as defined by Beaney. Information collected legitimately by the schools for one purpose might be used for another purpose at a later date. For example, is information collected in a counseling session released to a potential employer or a college as an aid in making selections?

A special relationship of trust and confidence exists between the school and its students. In most matters concerning this relationship, the student has no effective appeal to a higher authority, nor can the disclosure of unauthorized information be recalled after the damage has been done. The school and the student do not meet on equal terms, nor do they deal at arm's length. The school plays a dominant role in a relationship to which the student is an involuntary party. The school is obligated
to exercise the utmost good faith in discharging its duties in all matters concerning the student.\(^{12}\)

From an investigation of the current practices in Massachusetts it was found that the public high schools within the boundaries of the Commonwealth of Massachusetts create, maintain and store permanent student records in accordance with individually prescribed standards and procedures. The records are not kept nor is their use defined by the General Laws of the Commonwealth of Massachusetts. The only reference to student permanent records is made in Chapter 71; section 34A, which states that a student or former student shall upon request, be provided with a transcript of his record as a student. The records are created as a part of each school's effort to meet the educational needs of the student. As a matter of course the records contain information of a highly personal nature, the disclosure of which to unauthorized personnel could seriously jeopardize the individual's privacy.

The apparent diverse student record keeping practices of public high schools raises a number of questions in the mind of the investigator. Do procedures permitting periodic examination of pupil records by parents or pupils exist, and if so, are they used as an aid in an assessment of what the files contain? Is there any similarity between schools as to the contents of their records?

student permanent record files? Who has access to the information contained in the student permanent record files? How much of the information contained in the student permanent record files is available to those who have access to the files? How long are the student permanent record files kept after the student graduates from, or otherwise leaves high school? The present study was designed to find answers to these questions.

Statement of the Problem

The major objective of this study is to determine the current practices related to the content and accessibility of the student permanent record files maintained by the public high schools within the boundaries of the Commonwealth of Massachusetts; and to evaluate these practices in relation to the range of national practices, legal interpretations and current viewpoints on the right to privacy, and the ramifications of these legal interpretations to the content, control and accessibility of student permanent record files.

Purpose of the Study

The purposes of this study were:

1. Through the use of a self-administered questionnaire determine the range of practices which exist related to the content and accessibility of the student permanent record files maintained in the public high schools of Massachusetts;

2. Through the interviewing of selected individuals within Massachusetts information was gathered related to: (a) the range
of current state and national practices concerning the content and accessibility of student permanent record files; and (b) the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files;

3. Through an interpretation of the findings from the questionnaire, the interviews and a study of the related research and literature present conclusions and recommendations pertaining to: (a) an operational model for use by secondary school administrators for the maintenance of student permanent record files; (b) legislation which is needed in the Commonwealth of Massachusetts concerning the content and accessibility of student permanent record files; and (c) suggestions for future research.

Definition of Terms

Student permanent record files refers to all of the official information compiled in written form by the school on each of its pupils for the purposes of:

1. recording the student's progress in school,
2. facilitating the guiding of the pupil in his education,
3. recording factual data on the pupil for the professional staff to use in organizing and developing the educational program of the school.  

The term **high school** as used in this study describes any public school in the Commonwealth of Massachusetts providing academic, practical, vocational, general and/or comprehensive educational instruction to its students in an administrative unit containing at least the tenth, eleventh and twelfth grades.

The **high school principal** is that person charged by the local school committee with the responsibility of coordinating all of the educational functions and activities within a particular public high school.

The term **consensus** as used in the presentation of the interview data is defined as the opinion expressed by a majority of the people consulted.

**Assumptions**

In a study of this type, using a self-administered questionnaire and personally interviewing selected individuals, the investigator must assume the respondents were honest, open and candid. The investigator assumes that the source from which the population figures were obtained for the survey was accurate and complete, and that all of the public high schools in the Commonwealth were included in the study. The investigator further assumes that those individuals selected for interviews expressed opinions which accurately reflect those of the group or organization from which they were chosen. Finally, the investigator assumes that the analysis of the literature and related research was complete.
Limitations

A limiting factor in this study is that the literature available on the topic, the right to privacy, was one sided. The side presented was that which supported the right of the individual to privacy versus the right of the government or other individuals to intrude upon the rights of the individual. A second limiting factor was the process used for the selection of state legislators, representatives of the American Civil Liberties Union and representatives of the State Department of Education for interviews. In order to include representative individuals from each of these groups the selection process was of a self-selection nature. Only those agreeing to be interviewed were interviewed. Therefore, those interviewed might not have expressed opinions which accurately reflected those of the group or organization from which they were chosen.

Design of the Study

The study is descriptive in nature, involving three aspects of data collection; namely, (1) the conducting of interviews, (2) an analysis of the literature and related research; and (3) the use of a self-administered questionnaire.

Conducting of Interviews

The interviews were conducted with selected individuals within Massachusetts who provided information related to: (1) the range of current state and national practices concerning the
content and accessibility of student permanent record files; and
(2) the legal interpretations and current viewpoints on the right
to privacy and the ramifications of these legal interpretations to
the content and accessibility of student permanent record files.
The individuals interviewed were selected from the following groups
and agencies:

1. Massachusetts State Legislators,
2. Attorneys from the American Civil Liberties Union,
3. Professors of Educational Administration,
4. Personnel from the Massachusetts State Department of
   Education,
5. Public school administrators.

Review of the Literature and Related Research

A review of the literature and related research was made to
determine the state and national range of practices, laws and con-
temporary viewpoints concerning the right to privacy as it generally
relates to citizens, and specifically as it relates to the contents
and accessibility of student permanent record files. The sources
used to locate the related literature and research were:

Cumulative Book Index; N. E. A., Publication
Catalogue; Readers' Guide to Periodic
Literature; Review of Educational Research;
Dissertation Abstracts; Research in Education;
ERIC: Encyclopedia of Educational Research;
Corpus Juris Secundum; American Jurisprudence;
Index to Legal Periodicals; National School
Law Reporter; Legal Citations; American
Digest System; National Reporter System;
American Law Reports; and Shepards' Citations.

Survey through the Use of a Questionnaire

A self-administered questionnaire was mailed to the principals of all of the public high schools in the Commonwealth of Massachusetts. After a period of two weeks a follow-up card was mailed to those high school principals not responding to the first mailing. One week later, three weeks after the original mailing, a second questionnaire was mailed to those high school principals not responding to the first two mailings.

One week after the final mailing, four weeks after the first mailing of the questionnaire, a group of high schools were randomly selected from a list of those responding to the questionnaire. The principals of the selected high schools were individually interviewed for the purpose of verifying the respondents' answers to the questionnaire.

Design of the Questionnaire

For the purpose of creating the questionnaire the investigator reviewed and studied the literature, dissertation abstracts and information from professional education associations to determine if a suitable questionnaire was available for use and to determine the general contents of student permanent record files.
A suitable questionnaire was not available and the investigator constructed a draft of the instrument used in the study. The instrument used in this study was a self-administered mailed questionnaire. The questionnaire was designed to determine:

1. the size of the responding high school,
2. the form in which student permanent record files are maintained while the individual is enrolled in the school,
3. the form in which student permanent record files are maintained after the individual graduates from or otherwise leaves the school,
4. if the high schools permit the students or parents to examine the student's permanent record file and, if so, the procedure for the inspection process,
5. if the high schools permit the students or parents to change, or request the schools to make changes, in the contents of the student permanent record files and, if so, the content that can be changed,
6. the length of time high schools keep student permanent record files after the student has graduated from or otherwise left the high school,
7. what information high schools keep in the student permanent record files,
8. who has access to the student permanent record files,
9. what information is available to those who have access to the student permanent record file.
The completed form of the self-administered questionnaire, as well as a letter of transmittal explaining the purpose of the study was sent to five selected high school principals. They were asked to complete the questionnaire, suggest what modifications, if any, should be made to clarify the questionnaire and to determine the length of time necessary to complete the questionnaire. Those principals responding with suggestions for modifications were interviewed in person to discuss their suggestions. The investigator made modifications in the questionnaire as suggested.

Treatment of the Survey Data

A content analysis of the data was made to determine: (1) if schools permit students or parents to examine student permanent record files and, if so, the procedure for the inspection process; (2) if schools permit students or parents to change or request the schools to make changes in the contents of the student permanent record files and, if so, the content that can be changed; (3) the form in which student permanent record files are maintained while the student is enrolled in high school; (4) the form in which the student permanent record files are maintained after the individual graduates from or otherwise leaves the high school; (5) the length of time high schools keep the student permanent record files after the individual graduates from or otherwise leaves high school; (6) the contents of student permanent record files; (7) who has access to student permanent record files; (8) and what information is available to those who have access to the student permanent record files.
Study Population

The population studied using the survey questionnaire was the two hundred ninety-two public high schools operating within the geographical boundaries of the Commonwealth of Massachusetts. The study population included all of those high schools listed in the Commonwealth of Massachusetts, Department of Education's, Educational Directory.

Treatment of the Data

Through an interpretation of the findings of the questionnaire; the formulation of a consensus of those interviewed; and the interpretation of the findings and a formulation of a consensus from the literature and related research, the investigator developed conclusions and recommendations for: (1) a model for use by secondary school administrators in setting forth procedures for the content and accessibility of student permanent record files; and (2) information to assist the General Court of the Commonwealth of Massachusetts enact legislation defining the content and accessibility of student permanent record files.

Significance of the Study

The significance of the present study is that it produced a model for use by secondary school administrators in setting forth procedures for the content and accessibility of student permanent record files. Information from the study will assist the General
Court of the Commonwealth of Massachusetts enact legislation defining the content and accessibility of student permanent record files.

The present study could serve as the basis for further research: (1) into the practices of keeping student permanent record files on a regional or national level; (2) into the reasons why particular information is contained in student permanent record files.

Organization of the Dissertation

In Chapter One is presented the introduction, the statement of the problem, the purpose of the study, definition of terms, assumptions and limitations and the significance of the problem. Chapter Two contains a review of related literature and an analysis of previous research. Chapter Three contains a discussion of the design of the study including the procedures used, the sources of data, methods of gathering data and a description of the data gathering instruments. Chapter Four contains a presentation and analysis of the data. Chapter Five presents a summary and conclusions, as well as recommendations for further research.
CHAPTER II

REVIEW OF RELATED RESEARCH AND RELATED LITERATURE

The present study is concerned with the development of a model for the maintenance of student permanent record files in the public high schools of Massachusetts, based on the individual's right to privacy, as well as providing recommendations for legislative enactment. The literature, research, related court decisions and legislation is covered in this chapter. The following sections of this chapter include: (1) an analysis of the right to privacy; (2) a description of public records; (3) a view of the status of student permanent records; and (4) research studies focusing on the subject of student records.

Development of the Right to Privacy

The law governing student permanent record files is based upon two opposing points of interest. The first interest is that of the individual's right to privacy. The second is that of the public's right to know.

The issue of privacy is not new. Privacy has been discussed and analyzed for hundreds of years. The reaction of man to a violation of his privacy is found in the Bible. Adam and Eve ate of the tree of knowledge against the commandment of God. After eating of the fruit:
... the eyes of both were opened, and they knew they were naked; and they sewed fig leaves together, and they made themselves aprons.1

As man developed the ability to distinguish between good and evil, so did he develop self-awareness and self-consciousness. With self-awareness and self-consciousness came a feeling of privacy which his exposure affronted.2

Desire for physical privacy was referred to again in Genesis in the story of Noah. After Noah had planted and harvested his vineyard he made wine.

And he drank of the wine, and was drunken; and was uncovered within his tent.
And Ham, the father of Canaan, saw the nakedness of his father, and told his two brethren without.
And Shem and Japheth took a garment and laid it upon both their shoulders, and went backward, and covered the nakedness of their father; and their faces were backward, and they saw not their father's nakedness.
And Noah awoke from his wine, and knew what his younger son had done unto him.
And he said, Cursed be Canaan; a servant of servants shall he be unto his brethren.3

An early intimation of a "legal" right to privacy is found in Judaic law. This highly developed legal code, Halakhah, protects the individual's privacy against surveillance and implies


3Genesis 9:21-25, op. cit.
the legal obligation of the individual to refrain from violating his neighbor's privacy. The Halakhah regards privacy not only as a legal right, but also as a moral duty.  

In time past and present as nations formed, the people of those nations developed their codes of behavior, or laws, based upon the prevailing moral values and the influences exerted by the laws of other nations. This was the case in the development of the legal framework of the United States which was greatly influenced by the Common Law of England.

Common Law

There appears to be no recognition of an enforceable right to privacy in England. The law provided protection only for physical interference with one's life or property. However over the years there began to emerge a recognition of the spiritual nature of man.

English courts have granted orders restraining the publication of private letters, the sale of another's medical recipes and the publication of a surgeon's lectures. These decisions were based upon the infringement of the rights of property rather than the right to privacy.

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6 Ibid., p. 12.
Originally battery was regarded as the only act against the person for which legal recovery was made. Nizer reports that the first recovery for battery was granted in 1348 or 1349. As time went on man became more concerned with his personal reputation. This awareness of the individual's reputation resulted in judgements for slander.

Although, as reported above, the English Common Law did not recognize a right to privacy it did recognize certain individual rights beyond those of physical well being. The thoughts and creations of individuals were recognized in England as being the property of the individual to be used as he wished. The common law possessed an awareness of the inner person as well as the physical being. The basic awareness of the protection of the inner man was brought to America by the early colonists.

United States Before 1890

With the creation of the United States as a free and independent nation came an acceptance of some very basic assumptions defining the existence of the right to privacy. The first was the belief in individualism with the expression of the fundamental worth of each person, private religious beliefs, private economic motives, and legal rights of the individual. The second was the principle of a limited central government. The third was the importance of

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8 Ibid.
private property and its tie to the exercise of individual liberty. Each of these principles had as its purpose the freeing of citizens from the obtrusive surveillance and controls that had been exercised over them by the British Government.9

The men who created the Constitution were concerned with more than the rights of property and of the sanctity of the home. There were created rights that protected the individual from excessive governmental interference, rights that would protect the private lives of citizens. The First Amendment to the Federal Constitution10 provided a basis for the privacy of the individual's thoughts. Justice Joseph Story wrote that the First Amendment's guarantees of free speech, press, assembly and religion were intended to secure the rights of "private sentiment" and "private judgement."11

The constitutional protection of the right to privacy was further strengthened in the Third Amendment which prohibited the quartering of troops in private homes during times of peace without the owner's consent. The Fourth Amendment with its guarantees is believed by Weston to be a key element in American guarantees of privacy.12

The Fifth Amendment created a privilege against self-incrimination.


10The First, Third, Fourth, Fifth and Section I of the Fourteenth Amendments are reprinted in Appendix A.

11Weston, op. cit., p. 331.

12Ibid.
supporting personal privacy. Section I of the Fourteenth Amendment made the protection of individual rights throughout the country a national responsibility. The Fourteenth Amendment became the protector of civil liberties.

While legal philosophers can discuss individual rights guaranteed under the Federal Constitution it remains that these rights must be interpreted in a court of law to have any meaning. There were no federal cases recorded dealing with the issue of privacy prior to the 1880's. However, state courts dealt with the issue of search and seizure as expressed in clauses of state constitutions.

The cases show that the courts were concerned with the issue of whether probable cause was present to justify a search of a private premises and to ensure that the warrant contained specific descriptions of the objects to be seized. Trespass or damage suits were won by the plaintiffs because government officials acted without warrants or with poorly defined warrants.13

The Supreme Court in 1886 made a landmark ruling linking the Fourteenth Amendment's protection against unreasonable search and seizure to the Fifth Amendment's protection against self-incrimination. The decision gave joint protection to the sanctity of a man's home and the privacies of life.14 The ruling held a provision of the Federal Customs Act unconstitutional.

13 Grumon v. Raymond 1 Conn. 40 (1814); Sanford v. Nichols, 13 Mass. 286 (1816); Malbone v. Brice, 12 Mo. 171 (1850).

The courts were focusing their attention on redressing those wrongs that were most likely to lead to violence, such as battery, assault or interference with property rights. They were reluctant to deal with cases in areas offering protection for the intangible personal interests of privacy. In America during the nineteenth century there was little need for the judicial protection of privacy. The country was predominantly rural, there were no mass circulation newspapers or electronic devices and any invasions of privacy were inhibited by the natural limitations of the human senses.

However, as the nineteenth century was entering its last decade a different way of life began to emerge. Many towns were being transformed into cities through the growth of industry. People were becoming more literate, newspapers became more common and developed wider circulation. More information was gathered and reported in the press to satisfy the demands of their readers.

United States Since 1890

In 1890 Charles Warren and Louis Brandeis wrote an article arguing for the recognition of a civil damage action that would remedy an invasion of individual privacy. The authors established that the common law had developed a right to privacy, but that it existed unrecognized because it was misdescribed and misnamed as a "property"


16 Ibid., pp. 170-171.

right, a "contract" right, or a "breach of trust." Warren and Brandeis argued further that the value of publication, the right to earn profits resulting from publication, does not exhaust one's rights. It includes also the right of peace of mind resulting from knowing that the publication may be prevented.\(^\text{18}\)

Despite their persuasiveness the Warren and Brandeis article was opinion not law. It was not until 1902 that the Warren-Brandeis thesis was put to its first major test in New York.\(^\text{19}\) A woman named Roberson sued a milling company that had used her picture without her permission to sell flour. The court held that she could not recover money damages for her humiliation. The judges concluded that common law precedents had not expressly recognized a legal right to privacy.

The Supreme Court of Georgia became the first court to recognize a right to privacy in a case very similar to Roberson. The case involved a man named Pavesich, who sued an insurance company for using his picture in a newspaper advertisement with a testimonial attributed to him.\(^\text{20}\) Pavesich had not consented to the use of his picture nor did he make the statements attributed to him. The Georgia Court concluded that the insurance company had invaded Pavesich's privacy and that he could recover damages for his injury. In so holding, the

\(^{18}\)Ibid.

\(^{19}\)Roberson v. Rochester Folding Box Co., 171 N.Y. 538 64 N.E. 442 (1902).

court accepted the Warren-Brandeis thesis and expressly rejected the earlier New York decision in Roberson.

Federal Judicial Interpretation:

Through the first half of the twentieth century the right to privacy as a concept within the law survived solely within the opinions of several dissenting justices of the Supreme Court. In 1928, the Supreme Court in a five to four decision, sustained the constitutional validity of wiretapping in Olmstead v. United States. At issue was whether the Fourth Amendment's prescription of "unreasonable searches and seizures" made wiretapping unconstitutional. It did not. The Court held that there was no violation because words cannot be seized and because the tapping of wires at a place removed from the defendant's house was not a search within the meaning of the amendment. Justice Brandeis in a much quoted opinion expressed the belief that the makers of the Constitution secured for the individual "the right to be let alone."

The theory of Olmstead was extended to bugging in 1942. Through the use of a detectaphone federal agents were able to listen in on a telephone conversation emanating from an office on the other side of a wall. The court concluded that it was amplified eavesdropping, and

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conduct of this sort would not rise to the dignity of a Fourth Amendment violation.\(^{23}\)

The Supreme Court was called upon in 1953 to decide a case dealing with the right of associational privacy. The Court held that this right recognizes the "vital relationship between freedom to associate and privacy in one's association."\(^{24}\)

In 1965 the Supreme Court recognized the right to privacy as protected by the Constitution. The Court held that a Connecticut law forbidding the use of contraceptives unconstitutionally invaded the right of marital privacy.\(^{25}\) Justice Douglas stated that "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life substance."\(^{26}\)

Douglas in writing the majority opinion declared that the First, Third and Fourth Amendments created zones of privacy. These zones were said to be beyond governmental intrusion.

It remains to be seen where future Supreme Court decisions will lead in the further clarification of the right to privacy. The process of clarification on a federal level will be slow and deliberate.\(^{27}\)


\(^{26}\)Ibid.

\(^{27}\)Miller, op. cit., pp. 220-223.
State Laws and Judicial Interpretations:

The right of privacy is declared to exist in one form or another by a majority of the state courts. Only Rhode Island, Nebraska, Wisconsin and Texas courts have expressly declared that in their jurisdictions there is no right of privacy. In three other states the courts have refrained from holding that the right of privacy does not exist. The decisions in these states have gone off on other grounds.

In the state court decisions the findings are based upon interpretation of existing state laws and statutes. It is, therefore, extremely important to remember that decisions of one state court are not binding upon another.

Summary

The right to privacy is not of recent origin. Privacy as a moral concern was described in two passages of the Bible. One described the

sin of Adam and Eve, the other in describing the story of Noah. In addition, Judaic Law intimated a right to individual privacy.

The English Common Law although not recognizing an enforceable right to privacy did recognize certain individual rights beyond those of physical well being. In making such a recognition the common law possessed an awareness of the inner person as well as the physical being. It was the awareness of the protection of the inner man that the early colonists brought to America.

The framers of the Constitution expressed a concern for more than the rights of property and the sanctity of the home. They created rights, through the Bill of Rights, protecting the individual against excessive governmental interference, rights that protect the private lives of citizens. It remained, however, for these implied rights of privacy to be interpreted by the federal courts, which they did during the last two decades of the nineteenth century.

Since that time the right to privacy has become a major topic of federal judicial debate. Paralleling the judicial debate was an array of philosophical debates offered by such astute legal philosophers as Warren, Brandeis, Konvitz, Weston and others. The federal courts have moved to a point of supporting the existence of a right to privacy and have supported the claim that the spiritual person is as important as the physical. 34

All of the state constitutions contain a Bill of Rights which provide the same protections as does the federal constitution. These protections are against governmental invasions. It remains, however, for the states, through their statutes and law of torts, to forbid invasions of privacy by non-governmental sources. In the following section will be presented a discussion of public records.

Public Records

In this section will be presented the common law definition of public records and legal interpretations of their accessibility. This definition will serve in the following section as the basis for the classification of student permanent records.

Definition of Public Records

Black defines public records as:

A record, memorial of some act or transaction, written evidence of something done, or document, considered as either concerning or interesting the public, affording notice or information to the public, or open to public inspection.

A Florida court further defined public records as a written memorial made by a public officer in the proper discharge of a duty imposed by law. In another case the court held that records considered public were those records not expressly required by law

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37 Amos v. Gunn, 94 So. 615 (Fla., 1922).
to be kept, yet were necessary or convenient to the discharge of an official's duties.  

There is no formula for determining those writings which are open to public inspection and those which are not. Ware points out that under the common law, there was no general right of the people to inspect public records and documents.  

Accessibility of Public Records

In a study by Vanderpool it was determined that forty-four states had provisions for the inspection of public records. Those records that are opened to inspection vary from state to state with the majority declaring open all records of all offices of public官员 using public funds. The courts in some states have been called upon to determine the extent to which some records are open to inspection. They have held that in the interest of public security some records kept by public officials were not public. 

However, the general policy in most states is to follow the rule

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38 City Council of City of Santa Monica v. Superior Court of Los Angeles County, 21 Cal. Rptr. 895 (1962).


40 Floyd A. Vanderpool, Jr., Confidentiality of Pupil Personnel Records in the Public Schools of the United States, (Denver, University of Denver) 1970, p. 94.

41 Ibid., pp. 68-92.

42 City and County of San Francisco v. Superior Court, 238 P. 2d (Cal., 1952); People v. Russell, 29 Cal. 552 (Cal., 1963); Werfel v Fitzgerald, 250 N.Y.S. 2d 791 (N.Y., 1965).
that records are open for inspection by the public. An Iowa court held that the people had a right to know the workings of their government and secrecy was to be avoided in the conducting of public business. In an earlier Ohio case the court held that public records were opened as a general rule for public inspection. But, where access was denied, a writ of mandamus was the proper tool to use in enforcing the right of inspection.

State courts have held that a person, before he is permitted access to public records, must show interest and proof that the inspection is for a legitimate and proper purpose. The rulings were that inspection for the sake of curiosity, speculation, creation of a scandal or in order to degrade another were not legitimate purposes and the records were not opened for inspection.

Summary

Public records are of recent judicial origin. There is no basis in the common law for the inspection of records and documents of a public nature. There have been several state court decisions defining public records, but none that would be binding in more than one state.

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A recent study by Vanderpool found that forty-four states had statutory provisions for the inspection of public records. However, the amount or content of the records available for inspection varies from state to state. The state courts in interpreting the statutory provisions for inspection of public records have demonstrated several points. (1) The purpose of the courts is to uphold statutory law. (2) When the courts allowed access to records more good than harm had to result from the inspection. (3) The courts held that records could not be inspected for the sake of curiosity, speculation or to create a scandal. In the following section is presented a discussion of student permanent record files.

Student Permanent Record Files

Education has been recognized by the courts as being a function of the government. As governmental agencies school districts are required in some instances to keep records, and at other times keep records as a necessity, for the proper discharge of their duties.

One form of record kept, in most cases in the absence of a statutory requirement, is the student permanent record file.

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48 Ibid., 29-32.
Development of Student Records

Horace Mann as secretary of the State Board of Education in Massachusetts devised the first school register in 1838. In that year he convinced the state legislature to require all school districts to keep a school register.49 The primary purpose of the register was to collect information on school enrollment and attendance to be used by the legislature for planning and by the local school committees for the purpose of curbing absenteeism. In addition to attendance information, the forms usually contained the names of members of the school examining committee, the dates of examination and on some forms, a space for the teacher to keep "a daily account of mental progress and moral deportment."50

Toward the latter part of the nineteenth century and the beginning of the twentieth, new demands were placed on schools. More students were completing high school and going to college. Consequently school records were designed and modified to convey information to colleges regarding students' preparation and performance on school subject matter examinations.

By 1925 the National Education Association's Committee on Uniform Records and Reports recommended that local systems of record keeping should be devised that would permit uniformity and comparability.

49 Arch O. Heck, A Study of Child Accounting Methods, (Ohio State University, Ohio), 1925.

50 Ibid.
The committee recommended that the records contain the teacher's daily register, the pupil's general cumulative record, health records, guidance record, psychological clinic record and the principal's record. The committee's recommendations also called attention to several different purposes for keeping student permanent records. Records are kept to comply with state regulations, for proper reporting of promotion or transfer, attendance information, guidance, reporting to parents and reporting pupil progress.

The American Council on Education devised a cumulative record form in 1927. The form was designed to provide for the continuous collection, by a number of professionals, of a wide range of data on each student's progress in school for the purpose of guiding him instructionally, personally and vocationally.

In 1941 the American Council on Education revised the cumulative record form. The revised form placed less emphasis on subjects, credits and marks, and more emphasis on behavior description and evaluation of personal qualities. The revised form gave greater attention to synthesis and evaluation, and provided ample for descriptions of behavior.

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52 Ibid.


54 Wheeler, op. cit., p. 36.
Contents of Student Permanent Record Files

Ruth Strang wrote in 1947 that teachers and teacher-counselors make only limited use of cumulative records. She based this assertion on interviews she had conducted and observations of behavior. Strang suggested as a possible solution:

Grow your own records. Then you will be sure that everyone in the school understands and appreciates them.

Although a number of cumulative record forms have been produced for use by public schools, research to determine if any one form has become widely used has shown divergent record keeping practices. Most cumulative records, however, contain roughly the same general categories of information: academic marks, standardized test scores, family information, behavior, attendance, extracurricular activities, interests and special talents. A study by Heck revealed that 1,515 different items were included on the record forms of 131 cities; 50.2 per cent occurred only once, while 11.3 per cent occurred on more than ten forms.

The U.S. Office of Education conducted an item analysis of the

56 Ibid.
records of one hundred seventy-seven school systems in thirty-seven states. The findings showed that there was little uniformity of the traits rated. There was no agreement on the use of any set of character or social traits, uniform notation for rating, or a common scale used by school systems.

A study by Brooks entitled "A Study of Cumulative Record Forms" (in California) revealed that there were six hundred thirty-two different items reported on the forms. The range of items on the forms was from eight to one hundred seventeen, with a median of forty-two items. The most common personal traits reported in the cumulative record were cooperation, industry, dependability and citizenship.

In a widely publicized study conducted by Goslin and Brodier, which provided information for the Russell Sage Foundation's conference on school record keeping practices, heavy emphasis was given to determining the contents of student records. The researchers report that virtually all of the schools reporting kept different information and used different forms in their student permanent records.

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59 Heck, op. cit.
62 Wheeler, op. cit., p. 45.
Classification of Student Permanent Record Files as Public Records:

The "public nature" of public schools was determined in a number of cases between 1895 and 1940. A Colorado court and a later one in Washington held that school districts were created legislatively in order to carry out the educational policy of the state. The districts existed for public benefit in order to carry out the education of the citizens.  

The district officers of county, city and local boards were held to be public officers in discharging their statutory duties. In other legal contests county and local school superintendents were declared public officers. The duties of three other categories of school personnel, supervisors, principals and teachers, were held to be those of contracted employees, not public officers.

The reader will recall that a public record was defined as one

63 Florman v. School District, 40 P. 469 (Colo., 1895); Redfield v. School District, 92 P. 770 (Wash., 1907).
64 Townsend v. Carter, 164 S.W. 49 (Ga., 1932).
67 Rowan v. Board of Education Logan County, 24 S.E. 2d 583 (W. Va., 1943); State ex. rel. Smith v. Theus, 38 So 870 (La., 1905); State v. Martin 163 S.E. 850 (W. Va., 1932).
68 State v. Martin, 162 S.E. 850 (W. Va., 1932); People ex. rel. Patterson v. Board of Education of City of Syracuse, 94 N.Y.A. 2d 80, 82 (N.Y., 1948); Clitongim v. Stewart, 142 S.W. 2d 171 (Ky., 1944).
required by law to be kept by a public officer in the discharge of
a duty imposed by law. A record was also classified as public if it
were not expressly required by law, but was necessary to the discharge
of the duties of a public officer. To this point student permanent
records fit the definition of a public record open to public inspection.

Classification of Student Permanent
Record Files as Quasi-Public Records:

Courts have held that not all records are open to the right of
public inspection. In this regard the courts have used the term
"quasi-public" to include records which come under the status of
public records, but to which general access was not granted under public
record statutes. A person must have a special interest as interpreted
under the common law in order to gain access to quasi-public records.

There has been no general agreement among the courts as to whom
the records belong. The court held in Valentine v. Independent School
District of Casey that student records were not solely the property of
the person or persons who made them, nor were they the property of
the person who had custody of them. The plaintiff, a girl, refused
to wear her cap and gown at a graduation exercise. The school board
refused to grant the plaintiff her diploma and the superintendent


70 Pyramid Life Ins. Co. v. Masonic Hospital Asn. of Payne Co.

71 Ibid.

72 Valentine v. Independent School Dist. of Casey, 174 N.W. 334
(Iowa, 1919).
refused to provide her grades or copies of them. The court held in favor of the plaintiff declaring:

Records made by pupils in public schools are the property of the school district and not the property of the teacher or the superintendent of schools.\textsuperscript{73}

In recent years four states have defined the status of student records.\textsuperscript{74} A court in Oklahoma held that the state's law conferred statutory privilege on school records and made information of a personal nature quasi-public.\textsuperscript{75} Because of its clarity and scope the Michigan Statute defining school records has been included as Appendix B.

The Massachusetts General Laws Annotated\textsuperscript{76} directs that in the Commonwealth every person having custody of any public record must permit public inspection thereof. The law is very broad and does not deal specifically with the status of student records.

\section*{Accessibility of Student Permanent Records as Interpreted by the Courts}

There are several different categories of people who wish to inspect student permanent records. These categories include the student himself, parents or guardians, teachers, school administrators,\textsuperscript{77} etc.

\textsuperscript{73}Ibid.

\textsuperscript{74}Indiana Public Acts, Chapter 299, Sec. 2 (1965); Michigan Statutes Annotated, Sec. 77A. 2165 (Revised Judicature Act, 1961), Michigan Public Acts 1935, No. 41; Oklahoma Statutes Annotated, Title 70, Sec. 6-15; West's Annotated California Code, Education Code, Sec. 40751.

\textsuperscript{75}Pyramid Life Ins. Co. v. Masonic Hosp., op. cit.

\textsuperscript{76}Massachusetts General Laws Annotated, Chapter 66, Sec. 10.
health authorities, welfare authorities, state and federal government employees, police, courts and siblings. Whether or not access is granted to student records has been left, in the absence of legislative enactment, to the discretion of the school official responsible for safeguarding the records. The absence of clearly defined guidelines has resulted in legal entanglements over the accessibility of student records.

A court has spelled out which parts of a school's records are not open for inspection. The untranscribed notes of a school board secretary were held not to be public writings. Vanderpool reasons that the anecdotal records of teachers are similar in substance and nature to those described in Conover, above, and were closed, even to inspection by parents of the child.

A New York court dismissed a father's action to require a school board to provide him with the address of his children who were in the custody of his former wife. The addresses were not kept in

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77 Wheeler, op. cit., p. 58.

78 Note. As of September 1, 1971, the accessibility of student permanent record files has not been contested in the courts of Massachusetts.


80 Vanderpool, op. cit., p. 124.

alphabetical order and the court reasoned that compliance would place an undue hardship on the school board.

In the landmark Van Allen decision the courts held that school records were both private and public. This is consistent with the fact that records that are kept by school districts supported by tax monies are open and that the Acting State Commissioner of Education had labelled some records as confidential.

The acting commissioner ruled that parents "as a matter of law," must be permitted to inspect the records of their children. Conceding that, "certain records of the kind here involved are privileged," he went on to say:

Such privilege merely prevents the disclosure of the communication or record to the third parties, i.e., to persons other than the parent and other than the person making the record.

... the educational interests of the pupil can best be served only by full cooperation between the school and the parents, based on complete understanding of all available information by the parent as well as the school.

In addition to the acting commissioner's decision the court held that the common law right to inspect records existed in New York for

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84 Ibid.

85 Ibid.
persons who could show sufficient interest. The right of the parent to inspect his child's school records arises from his relationship with the school authorities who, under compulsory education statutes, had delegated to others the educational authority over his child.

The parent was held to have sufficient interest and was entitled to inspect his child's records. The court decision reads in part:

The court merely holds here that in the absence of constitutional, legislative, or administrative possession or prohibition, a parent is entitled to inspect the records of his child maintained by the school authorities as required by law.

The courts of New York have been called upon on a number of occasions to define the accessibility of student records. They have established specific legal guidelines, which are of course binding only in New York.

In most states, legislative and/or judicial, guidelines either spelling out policies or providing assistance for the local school committees to formulate policies regarding accessibility to student records are nonexistent. The Massachusetts law dealing with the

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86 Van Allen, op cit.
87 Ibid.
88 Ibid.
90 Vanderpool, op. cit., p. 129-130.
issue of accessibility to student records does so very narrowly.

It states in part:

Any person operating or maintaining an educational institution within the commonwealth shall, upon request of any student or former student thereof, furnish to him a written transcript of his record as a student.²¹

The law does not describe the contents of the record, nor does it spell out who, other than the student or former student, would have access to same.

Accessibility of Student Permanent Records: Two Studies

Russell Sage Foundation Study:

A considerable portion of the Goslin and Bordier study conducted for the Russell Sage Foundation²² in 1968, cited above, was the determination of the level of accessibility of student permanent records. In the study a self-administered questionnaire was mailed to sixty-eight school superintendents. Completed questionnaires were returned from fifty-five districts in twenty-nine states. The researchers specifically deny any claim of scientific rigor for the sampling technique and the questionnaire.²³ However, Goslin and

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²³Ibid., p. 64.
Bordier feel the survey provided them with a better basis for a discussion of school record keeping practices than any of the limited material on the subject.

The study verified what others had described as being contained in student permanent records. In addition other types of information were found to be kept separately or in the permanent file. This information included anecdotal records, interview notes (with parents and with student), correspondence with the home, reports from teachers, records of referrals, special health data, samples of the pupil's work, tentative program plans, personality ratings, diaries and autobiographies and delinquency reports.

Data gathered from the survey indicated that explicit and detailed school policies regarding access to student records are rare and that where policies were stated they varied greatly from school district to school district. Most school systems gave teachers and other school personnel complete access to student records, although some reported that personality data and reports of other teachers were withheld. In the case of most other potential users of student records policies varied considerably.

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94 Heck, op. cit., Allen, op. cit.; Yeager, op. cit.
95 Wheeler, op. cit., p. 43.
96 Ibid., p. 56
97 Ibid.
98 Ibid.
Those listed as being potential users were school nurse, teachers, parents or guardians, prospective employers, pupils, juvenile courts (without subpoena), local police, health department officials and C.I.A./F.B.I. officials.

The most significant of the findings was that parents and pupils were more often denied access to student records than any other category of potential users.\(^9\) Only eight superintendents indicated that parents could have access to the entire file despite legal precedents in at least one state.\(^1\) Conversely, more than half of the respondents reported that juvenile courts, C.I.A./F.B.I. officials would be given access to the entire file without subpoena.\(^2\)

**Vanderpool Study:**

Vanderpool conducted a study to "determine the historical background and legal status of pupil personnel records in the public schools of the fifty states."\(^3\) The study was primarily a search of the state statutes to determine the accessibility of public records and, additionally, a study of case law to determine

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\(^1\) *Van Allen v. McCleary*, op. cit.

\(^2\) *Wheeler*, op. cit.

\(^3\) *Vanderpool*, op. cit.
both the status of the individual's right to privacy and the accessibility of certain public records. ¹⁰³

The Vanderpool study did not delve into the actual practices of keeping student records and the accessibility of same. He did point out, however, that the statutes defining the accessibility of public records vary greatly from state to state. In addition he indicated that additional research is needed to develop a plan(s) for the management of student permanent record files. ¹⁰⁴

Summary

Student permanent record files are of recent origin. They evolved from the first school register devised by Horace Mann in 1838. The Mann register was devised to help local school boards control absenteeism and for the state legislature to use in planning. Today the student permanent record file has been expanded to include much greater amounts of information.

Studies have been conducted to determine the contents of student permanent record files. These studies have indicated that the files contain a variety of information which has been gathered ostensibly to help the schools meet the needs of the student. Other studies have been carried out which seem to indicate that student permanent record files are available to various individuals

¹⁰³Ibid., pp. 61-137.
¹⁰⁴Ibid., p. 145.
and agencies. With the exception of one state, New York, there seems to be no determination of who should have access to student records.

The courts in New York have declared that school records are both public and private. Parents have been granted the right to inspect the school records of their children because of the nature of the school/parent relationship. The courts and the commissioner of education in New York have ruled that student records are "privileged" which prevents the disclosure of the contents of the records to persons other than the parents or the person making the records.

In the light of the New York rulings it is interesting that the study conducted for the Russell Sage Foundation, which involved some New York schools, showed that the student record file is available to all manner of individuals and agencies, some of whom have nothing to do with the education of the student. The Sage study appeared to show that the schools permit fairly wide access to the student record file and its contents.

Summary

In the present chapter the common law, federal law, case law, literature and research related to the right to privacy and student permanent record files was reviewed. The review presented material supporting the evolution of the right to privacy. Recently federal courts have specifically supported the existence of zones of
privacy and privacy has been specifically granted by the courts of forty-six states.

The courts have not concerned themselves with the issue of privacy as it relates to the accessibility of student permanent record files, with the exception of New York. New York courts and the commissioner of education have stated that student records are open for inspection by school personnel and the parents.

Studies reviewed in the present chapter seem to indicate that student permanent record files are available to a number of individuals and agencies, some of whom have no role in the education of the students. Other studies indicate that there is a wide variety of material contained in the student records, some of which has little to do with the education of the student, while at the same time other contents are very confidential.

If the guidelines established in New York are assumed to be reasonable it becomes apparent that there is reason to believe that public schools are a party to invasions of individuals' privacy by permitting those outside the schools access to student records. There have been no court decisions to support this belief. However, the investigator doubts that a state court would support the actions of a school in permitting those "outside" the school access to the content of student records if this were to become a contested issue.

In the following chapter is presented a description of the background and development of the survey instruments used in this study.
CHAPTER III

METHODOLOGY OF THE STUDY

In the previous chapter the literature, related research, court cases and legislation were examined to determine the nature of the individual's right to privacy; the nature of student permanent record files as public records; and the content and accessibility of student permanent record files. It is the purpose of this chapter to (1) describe the study populations, (2) to report the procedures used in developing the self-administered questionnaire and the interview questions, and (3) relate the procedures used to collect and analyze the data.

Design of the Study

The current study was descriptive in nature and involved two methods of data collection beyond those used for the presentation in the previous chapter. The methods of data collection were (1) the use of a self-administered questionnaire; and (2) the conducting of personal interviews.

The questionnaire was designed to determine the current range of practices within Massachusetts public high schools as to the content and accessibility of student permanent record files. The interview questions were designed to gain opinions related to (1) the range of current state and national practices concerning the content and accessibility of student permanent record files; and
(2) the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files.

Study Population

The study population for the present study consisted of two separate groups: (1) the principals of the public high schools in the Commonwealth of Massachusetts; and (2) individuals selected from the following groups and agencies in Massachusetts:

1. Massachusetts State Legislators,
2. Attorneys representing the American Civil Liberties Union,
3. Professors of Education, University of Massachusetts, Amherst,
4. Personnel from the State Department of Education,
5. Public schools administrators.

Each of the participants in this study, those completing the questionnaire and those who were interviewed, were given the assurance that their identity would not be made public, nor would the responses they made be attributed to them specifically or otherwise at any time.

Population Sent the Self-Administered Questionnaire

The group to whom the mailed, self-administered questionnaire was sent included the principals of all the public high schools in the Commonwealth of Massachusetts. This population was identified by using the Commonwealth of Massachusetts, State Department of
Education's *Educational Directory 1968-69*. The directory was the most recent compilation available and listed two hundred ninety-two public high schools.

Of the two hundred ninety-two public high school principals sent questionnaires two hundred thirty-one returned them to the investigator. This represents a return of over 79 percent (79.1%) of the questionnaires. Upon receipt of the questionnaires the investigator found eleven unusable, either because they had been improperly filled out or they were returned not completed. The data from two hundred twenty questionnaires were used in this study. This figure represents a net usable return of over 75 percent (75.3%) of the questionnaires.

**Composition of Group Interviewed**

The composition of the group interviewed is described below. They represent a broad base of agencies and groups within the Commonwealth of Massachusetts concerned with public education and the welfare of students who are participants in and products of the system. In addition they are representatives of agencies and groups who are major participants in the legislative process, particularly as it effects public education. One of the objectives of this study is to provide information for the enactment of needed legislation defining the contents and accessibility of student permanent record files.
Massachusetts State Legislators:

The population of legislators from which the sample was taken included all of the twenty-one State Senators and Representatives serving on the Education Committee of the General Court. Each member of the Committee was contacted by letter requesting an appointment for an interview. The letter is reprinted in Appendix C.

Three state senators and seven representatives responded to the letter. Of those responding one senator and three representatives agreed to be interviewed.

The state senator represents a constituency in a predominantly urban area in the eastern part of the state. The state representatives were from the following areas:

1. a part of a large city in the western part of the state,
2. a major section of a small city in the western part of the state,
3. a major section of a small city in the eastern part of the state.

No attempt was made by the investigator to select at random any of the individuals in this group for interviews. The individuals who were interviewed were all of those sent letters who responded that they would agree to be interviewed.

Attorneys Representing the American Civil Liberties Union:

The population from which the sample was taken for this group included five attorneys from the Western Massachusetts area who
were identified by the Legal Aid Society as representing the American Civil Liberties Union. The offices of each of the five attorneys was called by telephone and a request was made for an appointment for an interview.

An appointment was made to interview two of the five attorneys called. No attempt was made to randomly select individuals from this group to be interviewed. Each of the five individuals telephoned who agreed to be interviewed were interviewed.

Professors of Education:

The population for this group included all of those persons holding the rank of Professor who taught classes in educational administration at the University of Massachusetts in the Spring of 1971. This group included two individuals, both of whom were interviewed.

Personnel of the State Department of Education:

The population from which the sample was taken included senior members of the Department of Education's, Bureau of Secondary Education whose primary responsibility is secondary education. In addition an attorney from the Office of the Commissioner was interviewed. Five individuals were identified and called by telephone for the purpose of making an appointment for the interview.

Two of the five individuals called agreed to participate in
the interview. In addition, as mentioned above, an attorney from the Commissioner's Office was interviewed. This brought to three the total number of individuals from the State Department of Education who were interviewed.

Public School Administrators:

Three public school administrators were selected to be interviewed. The population from which the sample was selected was the one hundred ninety public school superintendents representing school districts who had at least one high school principal responding to the mailed questionnaire.

The three superintendents were chosen at random. Each of the one hundred ninety school districts identified was assigned a number. Using the APL (A Programing Language) random number program and an IBM Model 3600 Computer, the first three numbers printed were matched to the appropriate school district. The superintendent of schools of the selected school district was telephoned and asked for an appointment to be interviewed. The first three superintendents called agreed to be interviewed.

1. Superintendent A. Superintendent of a 12,000 pupil school district in eastern Massachusetts. He has been the superintendent of this school district for five and one half years. The school district includes three high schools, from which two questionnaires were returned.

2. Superintendent B. Superintendent of a 1,100 pupil school
district in eastern Massachusetts. He has been the superintendent of this school district for ten years. The school district includes one high school.

3. Superintendent C. Superintendent of a 3,200 pupil school district in western Massachusetts. He has been the superintendent of this school district for seven years. The school district includes one high school.

Development of the Self-Administered Questionnaire

The investigator reviewed the literature, related research and information available from professional education associations to determine if a suitable questionnaire was available to be used in the present study. The investigation revealed that a suitable survey instrument was not available for use in this study. The investigator constructed a survey questionnaire for the present study as described in the following sections.

Item Selection

The instrument designed for use in this study was a self-administered questionnaire. The questionnaire was designed to determine:

1. the size of the responding high school,
2. the form in which student permanent record files are maintained while the individual is enrolled in the school,
the form in which student permanent record files are maintained after the individual graduates from or otherwise leaves the school,

if the high school permits the students or parents to examine the students' permanent record files and, if so, the procedure for the inspection process,

if the high schools permit the student or his parent to change, or request the schools to make changes in the contents of the students' permanent record files, and if so, the content which can be changed,

the length of time high schools keep student permanent record files after the student has graduated from or otherwise left the high school,

what information high schools keep in the student permanent record files,

who has access to the student permanent record files,

what information is available to those who have access to the student permanent record files,

suggestions (from the respondents) related to the content and/or accessibility of student permanent record files.

The questionnaire was constructed using items whose responses were "closed" or "semi-closed" in design, although one was of an "open-ended" design. This was done for two reasons: (1) for the purpose of classifying the data in quantitative terms, and (2) to avoid having the instrument deposited in the wastebasket by a harried, potential respondent, because of the proportionately
greater length of time required to fill out an "open-ended" questionnaire. The questionnaire is presented in Appendix D.

The questions used in the instrument are straightforward and very little, if anything, other than what is asked, can be implied from the response to them. No attempt was made by the investigator to confuse or "test" the respondents through the use of similar questions at different points in the instrument.

Field Test of the Self-Administered Questionnaire

The investigator created the first draft of the self-administered questionnaire after a review and analysis of the related research and literature revealed that an instrument was not available for use. Based upon the above-mentioned review and analysis the investigator developed a series of questions for the purpose of gathering the information required for the present study.

The completed draft form of the questionnaire with a letter of transmittal was sent to five selected high school principals. They were asked to complete the questionnaire, suggest what modifications, if any, should be made and to determine the length of time it took them to complete the instrument.

Each of the five high school principals responded to the request made of them and returned the completed questionnaire. One principal suggested that a change be made. The latter individual was interviewed in person by the investigator for the purpose of clarifying his suggested change in the instrument. As a result of the individual's suggestion the final draft of the instrument was modified.
Each of the five principals indicated that the instrument was not cumbersome or difficult to complete. The length of time required by each member of the test group to complete the self-administered questionnaire was less than fifteen minutes.

Data Processing Format

The questionnaire responses were designed in a manner that would lend themselves to recording on data processing key punched cards. The use of key punched cards enabled the investigator to rapidly analyze the various categories of data.

Eighteen I.B.M. cards were used to record the data from each returned questionnaire. Page one of the questionnaire, questions one through eight, were coded on one card. One card was used for the purpose of coding the word or phrase listed on page two/three of the instrument that described the information a school keeps as a part of the student's permanent record file. The remaining sixteen cards were coded to indicate to what information in the student's file the "individuals and agencies" named had access. In Appendix E a description of the coding format is presented.

In order to process and analyze the data gathered from the two-part and open-ended questions, the responses to each question were categorized. After the categories were identified, the number and percent of responses for each category were presented.

In order to process and analyze the data gathered from the "open-ended" questions, the responses for each question had to be categorized. After the categories were identified, the number and percent of responses for each category were examined.
Development of the Interview Questions

The questions developed for the interviews conducted as a part of the present study were of an "open-ended" nature. The open-ended format enabled the interviewee to respond to the questions in more depth than would have been possible with "closed" responses.

Item Selection

The questions developed for the interviews were designed for the purpose of eliciting attitudinal responses to provide information related to:

1. the range of current state and national practices concerning the content and accessibility of student permanent record files,

2. the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files.

The questions are presented in Appendix F.

Field Test of the Interview Questions

The investigator developed the first draft of the interview questions after a review of the related research, literature and legal opinions. Fifteen questions were developed for the first draft.

The investigator interviewed five doctoral students from the Center for Leadership and Administration, School of Education,
University of Massachusetts for the purpose of testing the clarity of the questions. Each of the doctoral students was a former public school administrator or state department of education employee. They were interviewed individually, using a tape recorder, at a location of their choosing.

At the end of each interview the participants were asked to comment on the questions asked and to make suggestions for changes. As a result of the comments and an analysis of the taped interview the final interview questions were developed. The interview questions are presented in Appendix F.

Analysis of the Data from the Interviews

In order to process and analyze the data gathered from the interviews the responses for each question were categorized. After the categories were identified, the number and percent of the responses for each category were examined.

Procedures Used to Gather the Data

In the following sections are related the procedures used to gather the data. The procedures related are those used for both the mailed, self-administered questionnaire and the personal interview.

Data Collection Using the Self-Administered Questionnaire

The investigator mailed a self-administered questionnaire, a letter of transmittal and a stamped, self addressed envelope to all

The letter of transmittal, reprinted in Appendix G, explained the purpose of the present study and requested that the questionnaire be returned in the envelope provided by May 15, 1971. On May 15, all of the principals who had not responded to the first mailing were sent a post card, reprinted in Appendix H, reminding them to return the questionnaire.

On May 21, three weeks after the first mailing, a second copy of the questionnaire, a second letter of transmittal, reprinted in Appendix I, and a second stamped, self-addressed envelope was mailed to all of those principals not responding to the two previous mailings. On June 1, the last questionnaire included for use in the study was accepted.

Four weeks after the original mailing three high school principals were randomly selected from those who had responded to the questionnaire for the purpose of verifying the responses to the questionnaire. They were selected through the use of a random number computer program, using the APL computer language and the University of Massachusetts' IBM Model 3600 Computer.

The procedure used for verifying the responses was a personal interview with the principal in his office. The interview consisted of having the principal complete a second copy of the questionnaire in the presence of the investigator. The verification showed no difference in the responses given to the two questionnaires by the three principals.
Data Collection Using the Interview Questions

The selected individuals were interviewed during July, August, September and October, 1971. Each interview was conducted by the investigator in the participant's office with exception of the four members of the state legislature. One of the legislators was interviewed in the investigator's office and the remaining three were interviewed over the telephone. None of the latter four interviews were tape recorded, while each of the others were. In Table I is illustrated the order in which the interviews took place.

Each of the interviews was initiated with the same statement:

This interview is one of several being conducted with selected individuals within the Commonwealth of Massachusetts as a part of a study to gain information related to the range of current practices concerning the content and accessibility of student permanent record files; and the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files.

Please answer the questions as completely as you wish. Please expand upon any answer you wish.

Each of the questions was asked one at a time in the order in which they are presented in Appendix F. None of the interviews required more than thirty minutes to complete.

Summary

The methodology of the study and the study populations were presented in the present chapter. The investigator described the procedures used for the development, testing analysis and administration of both the self-administered questionnaire and the
TABLE I

THE ORDER IN WHICH THE FOURTEEN INTERVIEWS FOR THE PRESENT STUDY TOOK PLACE

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Attorney from the American Civil Liberties Union - July 15.</td>
</tr>
<tr>
<td>2</td>
<td>State Department of Education, Senior Supervisor - July 27.</td>
</tr>
<tr>
<td>3</td>
<td>State Department of Education, Senior Supervisor - July 27.</td>
</tr>
<tr>
<td>4</td>
<td>State Department of Education, Attorney - July 27.</td>
</tr>
<tr>
<td>5</td>
<td>Attorney from the American Civil Liberties Union - August 8.</td>
</tr>
<tr>
<td>6</td>
<td>State Representative - August 24.</td>
</tr>
<tr>
<td>7</td>
<td>State Senator - August 27.</td>
</tr>
<tr>
<td>8</td>
<td>Superintendent of School - August 30.</td>
</tr>
<tr>
<td>9</td>
<td>State Representative - September 2.</td>
</tr>
<tr>
<td>10</td>
<td>State Representative - September 7.</td>
</tr>
<tr>
<td>11</td>
<td>Superintendent of School - September 15.</td>
</tr>
<tr>
<td>12</td>
<td>Superintendent of Schools - October 26.</td>
</tr>
<tr>
<td>13</td>
<td>Professor of Education - October 27.</td>
</tr>
<tr>
<td>14</td>
<td>Professor of Education - October 28.</td>
</tr>
</tbody>
</table>
interview questions. In the following chapter the data generated from these procedures is presented and analyzed.
CHAPTER IV

PRESENTATION AND ANALYSIS OF THE FINDINGS

In the previous chapter a description of the study population and the methods for gathering and analyzing the data were presented. In this chapter are presented the analysis of the data describing the current range of practices within Massachusetts public high schools as to the content and accessibility of student permanent record files. In addition, through the formulation of consensus, data is presented from interviews assessing opinions related to (1) the range of current state and national practices concerning the content and accessibility of student permanent record files; and (2) the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files.

The present chapter includes two sections. The first section is a presentation of the data from the self-administered questionnaire. In the second section is presented the consensus formulations of the responses to the interview questions.

The Data from the Self-Administered Questionnaire

The procedure employed to determine the current range of practices within Massachusetts public high schools concerning the content and accessibility of student permanent record files was a
mailed, self-administered questionnaire. The questionnaire utilized primarily closed response questions, although there were three questions that did not fall into that category. Two of the latter three questions utilized a combination of "open" and closed responses, while one was an open response question.

Although the various types of questions were dispersed intermittently throughout the questionnaire, they are presented separately in the following sub-sections. In the following sub-section is presented the data from the closed questions.

Data from the Closed Questions

One aspect of the contents of student permanent record files is the form in which the files are maintained. The respondents were asked to indicate, with the appropriate response, the form in which they keep the students' files while they are enrolled in high school. The data presented in Table 2 illustrates their responses to this question.

The responses show that over 39 percent (39.1%) of the student permanent record files are kept in folders, while nearly 35 percent (34.6%) of the files are maintained on file cards. One of the five categories provided for the respondents was labeled "other." Nearly 23 percent (22.7%) of those responding used this category. The explanation they provided to define "other" was in forty-seven of fifty cases, or nearly 21 percent (20.8%) of the total respondents, that their record files are kept both on file cards and in folders.

That the contents of the student files are kept on file cards,
TABLE 2
RESULT OF THE RESPONSE TO THE QUESTION, "IN WHAT FORM DO YOU KEEP YOUR STUDENT PERMANENT RECORD FILES WHILE THE STUDENT IS ENROLLED IN HIGH SCHOOL?"

<table>
<thead>
<tr>
<th>Form</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Folders</td>
<td>86</td>
<td>39.1%</td>
</tr>
<tr>
<td>File Cards</td>
<td>76</td>
<td>34.6</td>
</tr>
<tr>
<td>Microfilm</td>
<td>8</td>
<td>3.6</td>
</tr>
<tr>
<td>Computer Bank</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Other</td>
<td>50*</td>
<td>22.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>220</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

*Forty-seven (47) of this group indicated that their student permanent record files are kept on a combination of folders and file cards.

In folders, or a combination of both is particularly significant.

The records, when maintained in these forms are very accessible in terms of the obvious ease in handling material in folders or on cards.

In Table 3 is presented the data showing the results of the question asking the respondents to indicate the form in which student permanent record cards are kept after the student leaves high school. As is illustrated over 37 percent (37.4%) of the respondents keep their records in folders, while nearly 29 percent (28.6%) keep them on file cards. Fifty-two of the fifty-five principals, or 23.6 percent of the total, who indicated that their records were in the "other" category stated that they used a combination of folders and file cards.
TABLE 3
RESULT OF THE RESPONSE TO THE QUESTION, "IN WHAT FORM DO YOU KEEP YOUR STUDENT PERMANENT RECORD FILES AFTER THE STUDENT GRADUATES FROM OR OTHERWISE LEAVES HIGH SCHOOL?"

<table>
<thead>
<tr>
<th>Form</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Folders</td>
<td>82</td>
</tr>
<tr>
<td>File Cards</td>
<td>63</td>
</tr>
<tr>
<td>Microfilm</td>
<td>18</td>
</tr>
<tr>
<td>Computer Bank</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>55*</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
</tr>
</tbody>
</table>

*Fifty-two (52) of this group indicated that their student permanent record files are kept on a combination of folders and file cards.

A comparison of the responses to the two questions discussed above shows a shift away from folders and file cards after the student leaves high school. There is a 125 percent increase in the use of microfilm for the storing of the student files after they leave high school. At the same time there is a 10 percent increase in the "other" category which can be attributed totally to the addition of folders to file cards or the reverse.

Once again it is obvious that the student permanent record files are maintained in very accessible forms. The data from this question is particularly significant because it relates to the forms in which the files are kept after the student has left school. The fact that the records are in these highly usable forms might be a factor contributing to their accessibility.
The respondents were asked to answer a question the focus of which was to determine the length of time a student's permanent record file is kept after he leaves high school. The data illustrated in Table 4 shows that over 88 percent (88.2%) of the respondents keep student permanent record files indefinitely. Although

**TABLE 4**

RESULT OF THE RESPONSE TO THE QUESTION, "HOW LONG DO YOU KEEP A STUDENT'S PERMANENT RECORD FILE AFTER HE GRADUATES FROM OR OTHERWISE LEAVES HIGH SCHOOL?"

<table>
<thead>
<tr>
<th>Length of Time</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>5 to 99 years</td>
<td>26</td>
</tr>
<tr>
<td>Indefinitely</td>
<td>194*</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>220</strong></td>
</tr>
</tbody>
</table>

*Variously described as "forever, 'til the end of time, since the school opened."

the answer was structured so that the principals would respond with a number, most chose to use the term "indefinitely." However, some respondents chose more colorful terms to describe the length of time they keep student files which are included in this category. These are: "forever," "'til the end of time," and "since the school opened."

One of the major objectives of the questionnaire was to determine the contents of the student permanent record files. The respondents were asked to indicate on the questionnaire the word or phrase, provided, that describes information the school keeps as a
part of student permanent record files. The data from the responses to this question is presented in Table 5 through Table 11.

In Table 5 is presented the data that deals specifically with the student which is of a fairly objective nature. Five of the fourteen words or phrases were identified by 100 percent of the principals as being a part of their school's student permanent record file, while only one item was checked by less than 50 percent of the respondents. This category had the highest percentage of principals indicating that the word or phrase provided described information contained in the student files.

The second category of information identified as being a part of the student permanent record files is that of written comments assessing the student's behavior or potential. The data for this category is presented in Table 6.

Over 48 percent of the schools have in their student files written comments assessing school behavior (49.1%) and assessing educational potential (48.6%). Of interest is the fact that fourteen of the principals (6.4%) responded that the student record files in their schools contained written comments assessing behavior out of school. The data from this category of responses tends to support the findings reported in earlier studies. Schools tend to keep subjective information and comments from various sources in student files. The investigator questions the validity or appropriateness of these comments particularly after significant periods of time have elapsed between writing and reading. This concern
### TABLE 5

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN OBJECTIVE INFORMATION DESCRIBING THE STUDENT

<table>
<thead>
<tr>
<th>Information Categories</th>
<th>Responses Made (N=220)</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full Name</td>
<td>220</td>
<td>100.0%</td>
</tr>
<tr>
<td>Address</td>
<td>220</td>
<td>100.0</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>220</td>
<td>100.0</td>
</tr>
<tr>
<td>Sex</td>
<td>220</td>
<td>100.0</td>
</tr>
<tr>
<td>Grades</td>
<td>220</td>
<td>100.0</td>
</tr>
<tr>
<td>Attendance Record</td>
<td>211</td>
<td>95.9</td>
</tr>
<tr>
<td>Achievement Test Scores</td>
<td>202</td>
<td>91.3</td>
</tr>
<tr>
<td>Class Rank</td>
<td>198</td>
<td>90.0</td>
</tr>
<tr>
<td>Place of Birth</td>
<td>194</td>
<td>88.2</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>191</td>
<td>86.8</td>
</tr>
<tr>
<td>Honors</td>
<td>189</td>
<td>85.9</td>
</tr>
<tr>
<td>Extra Curricular Activities</td>
<td>180</td>
<td>81.8</td>
</tr>
<tr>
<td>Personality Inventory Results</td>
<td>105</td>
<td>47.7</td>
</tr>
</tbody>
</table>
was also expressed by the participants in the interviews whose perceptions are presented in a later section of the present chapter.

TABLE 6

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE PERMANENT RECORD FILES CONTAIN WRITTEN COMMENTS ASSESSING BEHAVIOR AND POTENTIAL

<table>
<thead>
<tr>
<th>Written Comments</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessing School Behavior</td>
<td>108</td>
<td>49.1%</td>
</tr>
<tr>
<td>Assessing Educational Potential</td>
<td>107</td>
<td>48.6%</td>
</tr>
<tr>
<td>Assessing Employment Potential</td>
<td>47</td>
<td>21.4%</td>
</tr>
<tr>
<td>Assessing Behavior Out of School</td>
<td>14</td>
<td>6.4%</td>
</tr>
</tbody>
</table>

The third category of information identified as being a part of the contents in student permanent record files are the written comments of various individuals. The questionnaire identified seven (7) individuals, by title, as potential sources of written comments found in a student record file. In Table 7 is illustrated the data for this category.

Over 55 percent of the principals responded that counselors (65%), school administrators (56.9%) and teachers (56.4%) are the sources of written comments in the student record files. It is interesting to note that only one of the seven individuals listed, the student, was identified by less than 20 percent (18.2%) of the respondents as a source of written comments.
TABLE 7

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN WRITTEN COMMENTS MADE BY VARIOUS INDIVIDUALS

<table>
<thead>
<tr>
<th>Written Comments Made By</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Counselors</td>
<td>143</td>
</tr>
<tr>
<td>School Administrators</td>
<td>125</td>
</tr>
<tr>
<td>Teachers</td>
<td>124</td>
</tr>
<tr>
<td>Psychologists</td>
<td>94</td>
</tr>
<tr>
<td>Parents or Guardians</td>
<td>68</td>
</tr>
<tr>
<td>Social Workers</td>
<td>57</td>
</tr>
<tr>
<td>The Student</td>
<td>40</td>
</tr>
</tbody>
</table>

Another category of information identified as being a part of the contents of the student permanent record file is that which deals with the student's parents or guardians. Eight items were provided on the questionnaire which dealt with this category of information. The data from this category is presented in Table 8. All respondents indicated that the parents' or guardians' full name is a part of the contents of the student record files. The table also shows that over 10 percent of the schools have in their student record files such information as the parent's or guardian's age (12.7%), U.S. citizenship (11.4%), and native (spoken) language (11.4%).
TABLE 8

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN OBJECTIVE INFORMATION DESCRIBING THE PARENT OR GUARDIAN

<table>
<thead>
<tr>
<th>Information Categories</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Parent or Guardian's:</td>
<td></td>
</tr>
<tr>
<td>Full Name</td>
<td>220</td>
</tr>
<tr>
<td>Address</td>
<td>211</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>186</td>
</tr>
<tr>
<td>Occupation</td>
<td>175</td>
</tr>
<tr>
<td>Employer</td>
<td>133</td>
</tr>
<tr>
<td>Age</td>
<td>28</td>
</tr>
<tr>
<td>U.S. Citizenship</td>
<td>25</td>
</tr>
<tr>
<td>Native (spoken) Language</td>
<td>25</td>
</tr>
</tbody>
</table>

The value of having the information described in this category in the student record files is questionable. The information in this category is of questionable educational value on the high school level. On the other hand it does act as a source of some very personal information about the parents or guardian for whomever has access to the contents of the student permanent record file.

A fifth category of information found in student permanent record files is that which deals with siblings. In Table 9 is illustrated the data from this category. At least 30 percent of the principals indicated that the student record files in their school...
contained the sibling's full name(s) (35.5%), age (31.4%), and sex (30%). Only one item, "employer," was indicated by fewer than 10 percent (5.9%) of the principals.

Once again, as with the previously reported category, the value of having this information related to siblings is questionable. The information is of questionable educational value and is of a very personal nature.

TABLE 9

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN OBJECTIVE INFORMATION DESCRIBING SIBLING(S)

<table>
<thead>
<tr>
<th>Information Categories</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Sibling's:</td>
<td></td>
</tr>
<tr>
<td>Full Name(s)</td>
<td>78</td>
</tr>
<tr>
<td>Age</td>
<td>69</td>
</tr>
<tr>
<td>Sex</td>
<td>66</td>
</tr>
<tr>
<td>Address</td>
<td>60</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>54</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>46</td>
</tr>
<tr>
<td>School/Occupation</td>
<td>33</td>
</tr>
<tr>
<td>Employer</td>
<td>13</td>
</tr>
</tbody>
</table>
Information related to the neighbor(s) of the student was identified as the sixth category of content found in a student permanent record file. The data from this category is illustrated in Table 10.

TABLE 10

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN OBJECTIVE INFORMATION DESCRIBING NEIGHBOR(S)

<table>
<thead>
<tr>
<th>Information Categories</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Neighbor's:</td>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
<td>26</td>
</tr>
<tr>
<td>Full Name</td>
<td>24</td>
</tr>
<tr>
<td>Address</td>
<td>19</td>
</tr>
<tr>
<td>Occupation</td>
<td>6</td>
</tr>
<tr>
<td>Employer</td>
<td>6</td>
</tr>
</tbody>
</table>

Although fewer respondents checked items in this category than in the others, it is interesting to note that all of the items were checked by some principals. Nearly 3 percent of the respondents indicated that the neighbor's occupation (2.7%) and employer (2.7%) were a part of the contents of their school's student files. As was the case with two previously reported categories of information the value of having the information contained in this category in a student file is questionable. This category of information, related to neighbors of the student, serves no educational value and appears
to be a very real source of potential invasions into the personal lives of individuals entirely unrelated to the student to whom the record file refers.

The last category of information dealing with the content of the student permanent record file was labeled "other: list." The respondents were provided with spaces to list items not identified in the other categories of contents. In Table 11 are illustrated

| TABLE 11 |
| NUMBERS AND PERCENTAGES OF HIGH SCHOOLS WHOSE STUDENT PERMANENT RECORD FILES CONTAIN "OTHER" INFORMATION |

<table>
<thead>
<tr>
<th>Information Categories</th>
<th>Responses Made (N=96)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>College Entrance Examination Board Scores</td>
<td>33</td>
</tr>
<tr>
<td>Scholastic Aptitude Test Scores</td>
<td>28</td>
</tr>
<tr>
<td>I.Q. Test Scores</td>
<td>21</td>
</tr>
<tr>
<td>Iowa Test of Basic Skills Scores</td>
<td>7</td>
</tr>
<tr>
<td>Differential Aptitude Test Scores</td>
<td>4</td>
</tr>
<tr>
<td>Reports from Probation Authorities</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>96</strong></td>
</tr>
</tbody>
</table>

the data for this category. Sixty-five of the respondents listed ninety-six items illustrated in the table. Scholastic Aptitude Test Scores were listed by 29.3 percent of the principals, while College Entrance Examination Board Scores were listed by 34.5 percent.

Three principals or 3.1 percent of the total number of respondents
listed "reports from probation authorities" as a part of the contents of the student record file.

Several items listed in the "other" category could have been included in the first category of contents, that dealing specifically with the student which is of a fairly objective nature. In fact all except "Reports from Probation Authorities" could have been checked in one of the categories provided in the questionnaire.

The second area of major concern covered by the questionnaire was the determination of those individuals or agencies having access to student permanent record files. The high school principals were asked to indicate which, if any, of the sixteen (16) individuals or agencies listed on the questionnaire had access, limited or complete, to the student files in their schools. In Table 12 is illustrated the results of the responses to the question. Eleven (11) of the individuals or agencies listed have access to student record files in over 50 percent of the schools. The student ranked twelfth (12th) with 46.4 percent of the principals indicating that students have access to their files.

The responses to this category generally support the findings reported in the Russell Sage Foundation Study. A great many individuals and agencies have access to the contents of student permanent record files. Many of the individuals having access to the student permanent record files have nothing to do with the education of the student.
### TABLE 11

NUMBERS AND PERCENTAGES OF HIGH SCHOOLS PERMITTING THE INDIVIDUALS AND AGENCIES LISTED LIMITED OR COMPLETE ACCESS TO STUDENT PERMANENT RECORD FILES

<table>
<thead>
<tr>
<th>Individual/Agency</th>
<th>Limited Access</th>
<th>Complete Access</th>
<th>Total (Limited and Complete Access)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
</tr>
<tr>
<td>School Administrators</td>
<td>2</td>
<td>0.9%</td>
<td>215</td>
</tr>
<tr>
<td>Counselors and Psychologists</td>
<td>2</td>
<td>0.9%</td>
<td>213</td>
</tr>
<tr>
<td>Teachers</td>
<td>29</td>
<td>13.2%</td>
<td>183</td>
</tr>
<tr>
<td>College Placement Officials</td>
<td>78</td>
<td>35.5%</td>
<td>65</td>
</tr>
<tr>
<td>Local Police</td>
<td>73</td>
<td>33.2%</td>
<td>55</td>
</tr>
<tr>
<td>F.B.I.</td>
<td>61</td>
<td>27.7%</td>
<td>62</td>
</tr>
<tr>
<td>Social Workers</td>
<td>60</td>
<td>27.3%</td>
<td>61</td>
</tr>
<tr>
<td>Juvenile Courts (without subpoena)</td>
<td>58</td>
<td>26.4%</td>
<td>61</td>
</tr>
<tr>
<td>Prospective Employers</td>
<td>84</td>
<td>38.2%</td>
<td>35</td>
</tr>
<tr>
<td>Parents or Guardians</td>
<td>44</td>
<td>20.0%</td>
<td>70</td>
</tr>
<tr>
<td>Public Health Authorities</td>
<td>57</td>
<td>25.9%</td>
<td>57</td>
</tr>
<tr>
<td>The Student</td>
<td>49</td>
<td>22.3%</td>
<td>53</td>
</tr>
<tr>
<td>Welfare Authorities</td>
<td>51</td>
<td>23.2%</td>
<td>36</td>
</tr>
<tr>
<td>Military Investigators</td>
<td>5</td>
<td>2.3%</td>
<td>57</td>
</tr>
<tr>
<td>Researchers</td>
<td>26</td>
<td>11.8%</td>
<td>27</td>
</tr>
<tr>
<td>The Press</td>
<td>29</td>
<td>13.2%</td>
<td>9</td>
</tr>
</tbody>
</table>
Summary

The data appear to indicate that most of the student permanent record files are kept in folders or on file cards or a combination of both folders and file cards. This is true of both that period of time when the student is enrolled in high school and after he has left the school.

The data show that fifty-two different categories of items are found in student permanent record files. Although specific items were not indicated in all cases it is obvious that high schools in the Commonwealth keep a great deal of information in student record files. It is also obvious that some of the information in the files has very little educational purpose.

A wide range of individuals and agencies have access to the contents of student permanent record files. Of the seventeen (17) individuals and agencies listed, all had access to student records in at least 17 percent of the high schools. At least ten of those listed have no direct interest in the student from a professional standpoint or as his parent or guardian.

The major portion of the respondents, 88.2 percent, indicated that their schools keep the student permanent record file indefinitely. This means that the contents of the student record files are available for the lifetime of the individual, and more.

In essence the data from the previously reported five questions appear to indicate that public high schools in the Commonwealth of Massachusetts (1) keep a great deal of information in student
record files, some of which has questionable educational value; (2) keep the record files in highly usable forms; (3) keep the record files for long (indefinite) periods of time; and (4) permit a number of individuals and agencies, several unrelated to the educational process, to have access to the contents of the student permanent record files.

The findings reported above appear to indicate that the potential for invading the private, personal lives of the student, his parents or guardians, his siblings and his neighbors is fairly high. This fact does not seem to support the reason for keeping a student permanent record file which is to help the school meet the needs of the individual. In the following section is presented the findings from the information obtained from the two-part questions.

Data from the Two-Part Questions

In Table 13 is presented the data from the question, "Do you permit periodic examinations of student permanent records by the student or his parents?" Nearly 70 percent (69.6%) of the high school principals answered "no" to this question. That a majority of the respondents answered "no" to this question supports the findings presented in the previous section of the present chapter as well as those of the Russell Sage Foundation Study. The Sage Study found that students had the lowest level of access to their records. The data from the present study appears to indicate that students rank twelfth among the sixteen individuals and agencies listed as having access to the record files.
TABLE 13
RESULT OF THE RESPONSE TO THE QUESTION, "DO YOU PERMIT PERIODIC EXAMINATIONS OF STUDENT RECORDS BY THE STUDENT OR HIS PARENTS?"

<table>
<thead>
<tr>
<th>Response</th>
<th>Responses Made (N=220)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>No</td>
<td>153</td>
</tr>
<tr>
<td>Yes</td>
<td>65</td>
</tr>
<tr>
<td>No Response</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
</tr>
</tbody>
</table>

As illustrated in Table 13, nearly 30 percent (29.5%) of the respondents permit the student or his parents to examine the record periodically. This latter group of respondents were asked to describe the procedures they employ for the examination of the record file. The results of the categorization of the responses to this question are presented in Table 14.

Of those responding, twenty-eight, or 43.1 percent, of the principals said the student record files are open for examination upon the request of the student or his parents. The next largest group, 35.3 percent, said the student record file is used during counseling interviews with the student and/or parents. The two categories of responses appear to indicate that among the high schools permitting students and parents access to the contents of the permanent record files the procedure is fairly routine and uncomplicated.

The second of the two-part questions asked if the student or his parents could make or request changes in the permanent record file.
### TABLE 14

RESULT OF THE CATEGORIZATION OF THE RESPONSES MADE TO THE REQUEST FOR A DESCRIPTION OF THE PROCEDURE EMPLOYED FOR PERIODIC EXAMINATION OF STUDENT PERMANENT RECORD FILES BY THE STUDENT OR HIS PARENTS

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Responses Made (N=65)</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records are open for examination upon the request of the student or his parents</td>
<td></td>
<td>28</td>
<td>43.1%</td>
</tr>
<tr>
<td>Records are used during regular counseling interviews with the student and/or his parents</td>
<td></td>
<td>23</td>
<td>35.3%</td>
</tr>
<tr>
<td>Parents may examine the record file, the student may not</td>
<td></td>
<td>5</td>
<td>7.7%</td>
</tr>
<tr>
<td>The records are open for examination by seniors and graduates, but not by parents</td>
<td></td>
<td>4</td>
<td>6.2%</td>
</tr>
<tr>
<td>No Comment</td>
<td></td>
<td>5</td>
<td>7.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>65</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Over 74 percent (74.2%) of the high school principals answered "no" to this question. In Table 15 is illustrated the responses to the closed portion of the question. The responses made to this portion of the second two-part question support those made to the closed portion of the previously reported question. Most high schools do not permit students and parents access to student records, nor do they permit them to make changes in the records.

The data in Table 15 show that over 23 percent (23.3%) of the high schools permit the student or his parents to make or request changes in the student permanent record file. Those principals responding with a "yes" answer were asked to describe the changes.
TABLE 15
RESULT OF THE RESPONSE TO THE QUESTION, "DO YOU PERMIT THE STUDENT OR HIS PARENTS TO MAKE OR REQUEST CHANGES IN THE STUDENT'S PERMANENT RECORD FILE?"

<table>
<thead>
<tr>
<th>Response</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>163</td>
<td>74.2%</td>
</tr>
<tr>
<td>Yes</td>
<td>51</td>
<td>23.3%</td>
</tr>
<tr>
<td>No Response</td>
<td>5</td>
<td>2.5%</td>
</tr>
<tr>
<td>Total</td>
<td>220</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

that could or would be made in the student record file. In Table 16 are presented the results of the categorization of the responses to this question.

As can be seen in Table 16, twenty-one of the fifty-one responses, or 41.2 percent, are in the category of changes including the student's name, address and telephone number. Nineteen of the high school principals responding, or 37.3 percent of the total permit the changing of any information found incorrect, or in the need of clarification.

Summary

As the data indicate a high percentage, 69.6 percent, of the high schools in the Commonwealth do not permit the periodic examination of student permanent record files. The responses to the questions illustrated in Table 12, item 12, on page 79 and in Table 13 on page 82 do not seem to agree. However, the responses
TABLE 16
RESULT OF THE CATEGORIZATION OF THE RESPONSES MADE TO THE REQUEST FOR A DESCRIPTION OF THE CHANGE(S) THE STUDENT OR HIS PARENT MAY MAKE IN THE STUDENT'S PERMANENT RECORD FILE

<table>
<thead>
<tr>
<th>Changes</th>
<th>Responses Made (N=51)</th>
</tr>
</thead>
<tbody>
<tr>
<td>May correct or request to have corrected changes in their address, telephone number or name (legal)</td>
<td>21  41.2%</td>
</tr>
<tr>
<td>May correct any information found incorrect or in need of clarification</td>
<td>19  37.3%</td>
</tr>
<tr>
<td>Changes are made if they are deemed reasonable and proper by the school, parents and student</td>
<td>7  13.7%</td>
</tr>
<tr>
<td>No comment</td>
<td>4  7.8%</td>
</tr>
<tr>
<td>Total</td>
<td>51  100.0%</td>
</tr>
</tbody>
</table>

illustrated in the latter table imply regular examination of the file, while those illustrated in Table 12 do not.

The data presented in Table 16 on page 85 should be viewed closely to avoid confusion. The student or his parents do not have to have access to, or any idea of the content of the student permanent record file in order to make a change in its content. To change an address, telephone number or legal name one has only to telephone or write the school to make the notification. However, for the other two categories of responses it is implied that there must be access to the record to initiate the change. In the following section is presented the data from the open question.
Data from the Open Question

There was one open question included in the questionnaire. The principals were asked to describe any suggestions they had related to the contents and/or accessibility of student permanent record files. In Table 17 are presented the results of the categorizations of the responses related to the contents of student record files. Of the two hundred twenty questionnaires returned only thirty-three, or 15 percent, had suggestions related to the contents of the student permanent record files.

Eleven of the principals, 33.3 percent of those responding, stated that they felt the information contained in the file should be there for the purpose of meeting the needs of the individual. Over 27 percent (27.3%) of the principals felt that the general categories of information should be the same from school district to school district, while nearly 25 percent (24.2%) said there should be no subjective data in the record files.

The question also asked for comments related to the accessibility of student permanent record files. There were fifty-eight suggestions made from forty-three respondents or 19.1 percent of those responding. The results of the categorizations of the responses dealing with the accessibility of student permanent record files is presented in Table 18.

As the data shows, nearly 40 percent, (39.7%) of those responding indicated that they felt individuals and agencies should be given an interpretation of the file's contents, not physical access. Seventeen of the principals (35.5%) said they felt such information as the scholastic record, attendance record and class rank should be made available upon the request of the inquiring individual or agency.
TABLE 17
RESULT OF THE CATEGORIZATION OF SUGGESTIONS MADE BY HIGH SCHOOL PRINCIPALS RELATED TO THE CONTENTS OF STUDENT PERMANENT RECORD FILES

<table>
<thead>
<tr>
<th>Suggestions</th>
<th>Responses Made (N=33)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The contents should be there for the purpose of helping the school meet the needs of the individual</td>
<td>11 33.3%</td>
</tr>
<tr>
<td>General categories of information should be the same from school district to school district including: scholastic record; attendance record; extra-curricular activities; honors; personal (home) data; and test scores</td>
<td>9 27.3</td>
</tr>
<tr>
<td>There should be no subjective data (written comments) in the file</td>
<td>8 24.2</td>
</tr>
<tr>
<td>The contents should be reviewed regularly and purged as they become outdated</td>
<td>3  9.1</td>
</tr>
<tr>
<td>At some point after the student has left school (three to five years) all but his scholastic record, attendance record and class rank should be destroyed</td>
<td>2  6.1</td>
</tr>
<tr>
<td>Total</td>
<td>33 100.0%</td>
</tr>
</tbody>
</table>

Summary

Because of the small percentage of respondents making comments related to the contents and accessibility of student permanent record files the investigator is unable to reach any definite conclusions from the data. However, the data from the responses dealing with the contents of student permanent records is of a nature that leans toward the protection of the individual. The suggestions made support the maintenance of a helping or positive student file which would not contain extraneous, out-dated and/or unverifiable data.
TABLE 18
RESULT OF THE CATEGORIZATION OF SUGGESTIONS MADE BY HIGH SCHOOL PRINCIPALS RELATED TO THE ACCESSIBILITY OF STUDENT PERMANENT RECORD FILES

<table>
<thead>
<tr>
<th>Suggestions</th>
<th>Responses Made (N=58)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals or agencies, including students and parents, should be given an interpretation of the file's content, not physical access to the file.</td>
<td>23</td>
</tr>
<tr>
<td>The scholastic record, attendance record and class rank should be available upon request, the rest of the content should not be available to other than the school professional staff.</td>
<td>17</td>
</tr>
<tr>
<td>The contents of the file should be made available on a need to know basis.</td>
<td>11</td>
</tr>
<tr>
<td>The file should not be accessible to anyone other than the school professional staff, the student or his parents, without a written release from the parent or the student.</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>58</strong></td>
</tr>
</tbody>
</table>

At the same time the data from the responses dealing with the accessibility of student permanent record files does not, generally, offer much protection for the individual or the contents of the student record file. There is a general expression of at least limited access to the record files by various individuals or agencies. The implication here might be that the accessibility of the student permanent record files is difficult to control, in which case, more concern should be given to the content of the file in order to prevent unwarranted intrusion into the life of the individual. In the following section is presented the data from the interview questions.
The Data from the Interview Questions

A number of open-ended questions were asked during the interviews. The individuals interviewed and the groups from which they were selected are described in Chapter III of this paper. The purpose of the interviews was to provide information related to: (1) the range of current state and national practices concerning the content and accessibility of student permanent record files; and (2) the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files. (A detailed description of the questions is presented in Chapter III and Appendix F of this report.) In the following section is presented the responses to the question dealing with the content of student permanent record files.

Consensus Data from the Questions Dealing with the Content of Student Permanent Record Files

Four questions were asked which required the subjects to offer an opinion related to the contents of student permanent record files. The participants were asked what information they felt should be contained in the student record file and if the contents of the files are similar from school system to school system within Massachusetts and nationally.

The consensus of opinion expressed by the participants was that the student permanent record file should contain his academic record, attendance record, and achievement test scores. It was generally stated that the student record file should contain relevant information and should not become, or be, a depository for subjective evaluations of the student.
The fourteen participants responded in the affirmative when asked if they felt there is a similarity among student permanent record files from school system to school system within Massachusetts and nationally. In addition, a majority of the participants expressed the opinion that the contents of the file contained more information than is necessary for the purpose of educating the student. One of the participants stated in part,

"... I am concerned that a student will be labeled by the subjective comments made by school professionals evaluating his (the student) performance. I believe that a student can become the victim of a self-fulfilling prophesy."

Another participant expressed the opinion that,

"... kids change from year to year and should not have to constantly live with the past impressions of educators, good and bad, following them through school and beyond."

Beyond this, however, there was no agreement as to what the unnecessary information is that the files contain.

The participants were asked if the contents of student permanent record files should be the same from school system to school system. The consensus of opinion offered is that the categories of information contained in the student record files should be the same from school system to school system, but that each school system provides different services for the students. Of necessity, therefore, the amount of information in each of the categories should vary from system to system. The categories of information mentioned by the subjects were: personal data, scholastic record, attendance, and test scores.

The last question asked in this area sought specifically to determine the individual participant's knowledge of what information the
Commonwealth of Massachusetts requires schools to keep in the student permanent record file. There was no consensus of opinion among the responses to this question. Three of the participants knew the answer to the question, which is that nothing is required to be kept as a part of the student permanent record file by the Commonwealth of Massachusetts.

One of the participants responded, "The state requires that we keep a health record, attendance and grades," while another said, "The schools are required to keep family data, grades, attendance reports, health records, test scores and transportation information."

Summary

The conclusions that can be drawn from the consensus of responses to the questions is that the participants feel the student permanent record files should contain limited amounts of information of a fairly objective nature. It was generally agreed that the record files contain more information than is necessary for the education of the students in all school systems.

The most important finding in this category, is the general ignorance of the law expressed by the participants. The data contained in student permanent record files is extremely sensitive. However, the sensitive nature of the record file has not generated an equal sensitivity of the law, or lack of it, in this area on the part of the participants. In the following section is presented the results of the responses to the questions dealing with the participants' viewpoints of the right to privacy.
Consensus Data from the Questions Dealing with the Right to Privacy

Two of the questions asked during the interviews were included to determine the participants' viewpoints on the right to privacy. Each of those interviewed were asked the question, "Does the individual have a right to privacy?" The consensus of the responses is "yes." When asked the question, "Do public high school students have a right to privacy?" the consensus of response was a qualified "yes."

In nearly every interview the participants indicated that the student's right to privacy is not an absolute right. There are times when school personnel must exercise at their discretion certain "invasions" of the students' rights to privacy. These "invasions" would come as a result of the school's efforts to help a student by protecting him from doing harm to himself or others.

Summary

The data indicates that after an individual leaves school he has a right to privacy. This is a contradiction however, if one considers that it is permissible to make discretionary invasions of privacy at one point and not another. If, for instance, the object of invasion is the student's permanent record file, what is to prevent repeated intrusions into the file if the contents remain intact after the student leaves school? Nothing. In the following section is presented the data from the responses to questions related to the length of time the student permanent record file should be kept after he leaves school.
Consensus Data from the Questions
Dealing with the Length of Time
Student Permanent Record Files
Should Be Kept After the Student Leaves School

The participants were asked how long the student permanent record file should be kept after the student graduates from or otherwise leaves school. The consensus view expressed by the subjects was that parts of the record file should be kept for the anticipated lifetime of the individual.

In this regard the participants were asked if any information in the student permanent record file should be removed after he leaves the high school. The consensus of response was that information other than the scholastic record, attendance record and class rank should be removed from the file and destroyed at some point in time after the student leaves the school. The length of time was variously expressed at from three to ten years.

Summary

The data from the responses indicate that fairly objective material should remain in the student record file for the life of the individual. The point in time when the "other" material contained in the record file should be removed from it and destroyed was not agreed upon. In the following section are presented the responses to the questions dealing with the accessibility of student permanent record files.

Consensus Data from the Questions
Dealing with the Accessibility of
Student Permanent Record Files

Three questions were asked to determine to whom and under what conditions the information contained in the student permanent record file
would be made available. The participants were asked if the student should have access to his permanent record file. The consensus response was a qualified "yes." The qualification was that the student should have access to the record file, but that the contents of the file should be interpreted to him by a member of the professional staff to prevent any misunderstandings.

The question was asked, "Who should have access to the information contained in a student's permanent record file?" The consensus of opinion expressed by a majority of the participants was that members of the school professional staff, the student and his parents should have access to the student record file. However, it should be noted that two of the participants expressed the opinion that anyone who has a need for information contained in the file should have access to that information they need.

The responses made by the latter two participants are worthy of note. One of them expressed the opinion that,

"The schools must support the investigations carried out by the police, F.B.I, and others concerned with the safety of our citizens and the security of our country. This can be done only when the schools give these people (police, F.B.I. and others) access to student records whenever they need them or request them. We have to support the law and those who enforce it (law)."

The other participant stated,

"The schools must give everyone, colleges, employers, the police, the F.B.I., businesses, and others that (sic) might have dealings with them (the students) whatever information they request. This would help people (those non-students mentioned above) know what kind of a person (the student) they are dealing with."

The third question in this category asked, "Under what conditions should access be granted to the information in a student's permanent record file:"
1. While he is in school?  
2. After he has graduated from or otherwise left the school?  

In response to the first part of the question the consensus opinion expressed by a majority of the participants was that the professional staff should have access to the file when they needed information and that parents and student should have access to the file during counseling sessions or when they requested that the file be made available. In addition they expressed the opinion that the parent or the student (at age 16 to 18) would have to provide a written release for the distribution of the contents of the file to any other individuals or agencies. Again, the same two participants noted above expressed the belief that the file should be open to those who need the information.  

The consensus response expressed by the majority of the participants to the second part of the question was that no one should have access to the contents of the student record file after the student leaves school without a written release from the student. Once again the same two participants quoted above expressed the belief that anyone who has a need for the information in the student record file should have what he needs.  

**Summary**  

The data indicates that the accessibility of student permanent record files should be limited to members of the school professional staff, the student and his parents. The only time information from the student record file should be given to other individuals or agencies is when a written release has been obtained from the student or his parent if the student has not reached the age of reason.
Related Finding

In an effort to determine the contents and accessibility of student permanent record files of the high schools of the Commonwealth through the use of the self-administered questionnaire some related data was revealed. The data evolved as a result of the comparison of the responses of high schools in the same school district.

The data resulting from the comparisons of the responses are presented in Figure 1 of Appendix J. Although no conclusions can be reached through an analysis of this data, the investigator feels they are of importance. The following is a discussion of some of this data.

Contents of the Student Permanent Record Files

Thirty-eight high schools from eleven school districts responded to the questionnaire. There were at least two high schools in each of the eleven school districts. The data presented in Figure 1 of Appendix J illustrates that the high schools in each of the eleven school districts do not keep the same specific information in their student permanent record files, but there does appear to be a general similarity of categories.
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The purposes of this study were (1) to determine the current range of practice related to the content and accessibility of student permanent record files in the Commonwealth of Massachusetts and (2) to gain opinions related to the range of current state and national practices concerning the content and accessibility of student permanent record files; and the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files. In the previous chapter the findings were presented and analyzed. In the present chapter the methodology used in the study will be reviewed briefly, and a summary of the findings will be presented. This will be followed by the conclusions reached from these findings. The recommendations based upon the findings and conclusions of this study will be then set forth.

The Method

For the purposes of the present study two methods of obtaining data were employed. The methods used for the purposes of this study were a self administered questionnaire and personal interviews.
The Self Administered Questionnaire

In order to determine the current range of practices related to the content and accessibility of student permanent record files in the Commonwealth of Massachusetts two hundred ninety-two public high school principals were mailed self administered questionnaires. Usable data from two hundred twenty principals was obtained and utilized.

The questionnaire incorporated three different types of assessment questions. These methods were (1) a determination of the content and accessibility of student permanent record files through the use of closed questions; (2) a determination of student and parent access to the record file and a determination of their ability to make or request changes in the record file through the use of two-part (closed followed by open-ended) questions; and (3) a soliciting of suggestions from the respondents related to the content and accessibility of student permanent record files through the use of an open-ended question. These approaches as they were used in the study are briefly summarized below.

The Closed Response Questions

Each respondent was asked to complete a number of closed response questions which were related to the content and accessibility of student permanent record files. These questions focused on such areas as the form in which the file is maintained; the length of time the file is kept after the student leaves school; the content of the file; and to whom the permanent student record
file is accessible. The number and percent of the responses made for each response category was determined and analyzed.

The Two-part Questions

Each respondent was asked to complete two (2) two-part questions. These questions were used to determine (1) if schools permit students and parents to examine student record files and, if so, the procedure used; and (2) if schools permit students or parents to make or request changes in the record file and, if so, what they may change. The number and percent of the responses to the closed parts of the questions were presented and analyzed. The responses to the open-ended parts of the questions were categorized and the number and percent of responses in each of the categories were determined and analyzed.

The Open-ended Questions

The respondents were asked to make any suggestions they had related to the content and accessibility of student permanent record files. The responses were placed in two groups, those related to the content of student permanent record files in one group and those related to the accessibility of the files in the other. The responses, after being grouped, were categorized and the number and percent of responses in each of the categories were determined and analyzed.
The Interviews

The interviews were conducted to solicit opinions related to (1) the range of current state and national practices concerning the content and accessibility of student permanent record files; and (2) the legal interpretations and current viewpoints on the right to privacy and the ramifications of these legal interpretations to the content and accessibility of student permanent record files. The participants, fourteen in number, included Massachusetts State Legislators, attorneys representing the American Civil Liberties Union, professors of education, personnel from the State Department of Education and public school administrators.

The Interview Questions

The interviews incorporated eleven open ended questions. Each of the participants was asked all of the questions in order. The questions focused on the content of student permanent record files, the length of time the files are kept, the right to privacy and the accessibility of student permanent record files. The responses to the interviews were presented as consensus statements where possible and analyzed.

The summary and conclusions made for this study, which follow, were developed through an effort to synthesize the findings from these separate approaches and to look for evidence of patterns that may exist which would offer support for the recommendations.
Summary

The following are the summaries of the findings as they relate to the assessment approaches used in the study.

The Self-Administered Questionnaire

The Content and Accessibility of Student Permanent Record Files: The Closed Questions

The data appear to indicate that there is a wide range of practice related to the content of student permanent record files. Of the forty-six (46) items listed on the questionnaires, plus six (6) additional items listed by the respondents, only six were indicated as being a part of all student record files. Student permanent record files contain all manner of information including fairly objective information about the student, written comments assessing behavior and potential, written comments made by various individuals, information about the parent or guardian, siblings, and neighbors. There were no items listed on the questionnaire that are not in the student permanent record files of at least six schools.

The data appear to indicate that most student permanent record files are kept in the form of folders or file cards or a combination of both. The responses show that this is true of both that period of time when the student is enrolled in high school and after he has graduated from or otherwise left the school. Additionally,
it appears that the use of microfilm for the storing of the files more than doubles after the student leaves high school.

All of the sixteen (16) individuals and agencies listed on the questionnaire have some degree of access to the contents of the files. The data appear to indicate that the accessibility of student permanent record files varies greatly from high school to high school. School administrators, counselors and psychologists, and teachers ranked one, two and three respectively, having access to the files in over 95 percent of the respondents' schools. The student ranked twelfth among those having access to the files. Only one of the individuals and agencies listed has access to the contents of student records in less than 20 percent of the schools, the press, having access to the files in 17.3 percent of the respondent schools.

Parent and Student Access
to Student Permanent Record
Files: The Two-part Questions

The data appear to indicate that a majority of the high schools do not permit students or parents to periodically examine the permanent record file. Of those responding 69.6 percent do not permit the periodic examination of the student files by the student or the parent. The data from the second part of this question appear to indicate that of the high schools permitting parents or students to examine the file must do so at the request of the student or parent or during a regular counseling session.

The data from the second question appear to indicate that a small number of high schools permit students or parents to make or
request changes in the student's permanent record file. Of those responding only 23.3 percent permit students or parents to make or request changes in the student's file. Of the high schools permitting the student or parent to make or request changes in the file 41.2 percent will change such items as the student's address, telephone number or name (legal), which does not imply that the parent or student has access to the file. On the other hand 37.3 percent of the principals indicated that students can correct any information found incorrect or in need of clarification, which does imply that the parent or student has access to the file.

The Respondents' Suggestions Related to the Content and Accessibility of Student Permanent Record Files: The Open-ended Questions

The data appear to indicate that the contents of student permanent record files should be there to help meet the needs of the individual student, that there should be a general uniformity of categories of information in the files from school system to school system and that the file should not contain subjective data. Of the thirty-three comments made related to the contents of the file, 33.3 percent of the respondents indicated that the information in the file should be there for the purpose of helping the school to meet the needs of the individual.

Nine of the respondents, 27.3 percent, indicated that the general categories of information should be the same from school
district to school district. At the same time 24.2 percent of those responding indicated that the file should not contain subjective comments.

The results of the second part of the open-ended question appear to indicate that those responding feel the contents of the student permanent record file should be fairly accessible. Fifty-one of the fifty-eight comments state, generally, that the contents of the file should be available to individuals and agencies without the consent of the student or his parents. This response pattern supports the data obtained from the closed question related to the actual accessibility of the student permanent record files as reported earlier.

The Interviews

Content of Student Permanent Record Files:

The consensus of opinion derived from the participants' responses is that student permanent record files should contain limited amounts of fairly objective information. In addition, it was generally stated that files contain more information than is necessary for the education of the student. All of the participants agreed that the student permanent record files are similar from school system to school system in Massachusetts and nationally.

An important finding in the area of the content of student record files was a general lack of knowledge of the law related to this topic. Three of the participants knew that no law exists which
defines the content or purpose of the student permanent record file in Massachusetts.

The Right to Privacy:

The consensus of opinion derived from the responses of the participants is that a public high school student has a qualified right to privacy. The qualification evolves from the need of school personnel to "invade" the privacy of the individual to prevent harm to the individual or others. There was general agreement that the individual has a right to privacy after he has left the school.

An inconsistency is evident if one considers that the potential for the invasion of the individual's right to privacy exists in the form of the student permanent record file. The file is available while the individual is a student and after he has left the school for that period of time in which it remains intact.

Length of Time the Student Permanent Record File Should Be Kept:

The consensus of opinion as derived from the participants' responses is that student permanent record files should contain fairly objective data for the life of the individual. The "other" material in the file should be removed at some point in time, between three and ten years, after the student leaves school and this material should be destroyed.
The Accessibility of Student Permanent Record Files:

The consensus of opinion as derived from the participants' responses is that access to student permanent record files should be limited to the members of the school professional staff, the student and his parents. Information contained in the student permanent record file should be given to other individuals or agencies only when a written release had been obtained from the student or his parents.

Conclusions

The conclusions reached from the present study are set forth in this section. From an analysis and summary of the related research and related literature the following conclusions were reached:

1. The right to privacy was implied in the Constitution and is being clarified and expanded by the courts.

2. The student permanent record files are quasi-public in nature.

3. The contents of student permanent record files vary from school district to school district.

4. The student permanent record files contain a wide variety of information.

5. The student permanent record files are maintained in folders, file cards or microfilm.
6. A number of individuals and agencies have access to student permanent record files. Many of those having access to the files have nothing to do with the education of the student.

7. The student and parent have little or no access to, or knowledge of, the contents of the student's permanent record file.

An analysis and summary of the data from the questionnaire led to the following conclusions:

1. The contents of student permanent record files vary from school district to school district.

2. The student permanent record files contain a wide variety of information.

3. The student permanent record files are maintained in folders, file cards, a combination of folders and file cards or on microfilm.

4. A number of individuals and agencies have access to student permanent record files. Many of those having access to the files have nothing to do with the education of the student.

5. The student and parent have little or no access to, or knowledge of, the contents of the student's permanent record file.

An analysis and summary of the interview findings indicate the respondents to perceive that:

1. The individual has a right to privacy.
2. The student permanent record files should contain limited amounts of objective information.

3. The student permanent record files should contain the same general categories of information from school system to school system.

4. The student permanent record file should be available to the members of the school professional staff, the student and his parents.

5. The student permanent record file should be available to others than those noted in item 4 above, only if a written release has been obtained from the student or his parent.

6. Within five years after the student has left the school information other than the scholastic record, attendance record and class rank should be removed from the file and destroyed.

Recommendations

In the preceding section were presented the conclusions reached in this study based upon an analysis and summary of the related research and related literature, the findings of the questionnaire and the interview findings. The recommendations based upon the findings and conclusions of this study will be presented in three sections, namely (1) those that pertain to a model for the content and accessibility of student permanent record files; (2) those that pertain to suggested legislative enactment by the General Court of the Commonwealth of Massachusetts, and (3) those that are pertinent
to further research into the content and accessibility of student permanent record files.

**A Recommended Model for the Content and Accessibility of Student Permanent Record Files**

The proposed model is presented in two sections. The first section related to the content of student permanent record files while the individual is in high school and after he has graduated from or otherwise leaves the school. The second section relates to the accessibility of student permanent record files.

**Content of the Student Permanent Record Files:**

Student permanent record files should be maintained for the sole purpose of meeting the needs of the individual. The categories of information should be consistent from school system to school system to better facilitate the transfer of information in our very mobile society. The categories of information included in the file should be:

1. Names, address, date of birth
2. scholastic record
3. attendance record
4. honors
5. extra curricular activities
6. test scores (achievement)

The categories of information described above would contain a wide variety of material from school system to school system depending on the services offered by the school.
No suggestion of the form in which student permanent record files should be kept will be made. Each school should determine for itself the form which best meets their needs.

Within five years after the student has left the school his permanent record file should be purged of portions of its contents. The material removed should be destroyed. The student permanent record file should contain the following items after it has been purged:

1. Name, address, date of birth
2. year of graduation from high school
   and/or years of attendance
3. scholastic record
4. attendance record
5. class rank

This information would be retained by the high school for the lifetime of the individual.

It is recommended that the items listed as being contained in the permanent record file after the file has been purged be the same items included on a transcript of the student's school record. This will provide a standardized level of information that will meet the needs of the student, institutions of higher education and prospective employers.
Access to the Student Permanent Record File:

It is recommended that while the individual is enrolled in school no one other than the school professional personnel, the student or the parent should have access to the record without the written consent of the student or parents. It is recommended that the student's permanent record file be made available upon request to the student and his parents. The contents of the file should be interpreted to the student or parents by a member of the professional staff to avoid misinterpretation.

It is recommended that after graduation, or termination at age 16, no one should have access to the student's permanent record file or transcript without the written release of the student. It is recommended that the permanent record file or transcript be made available to the student or his guardian under the same guidelines described above.

Recommendations for Legislative Enactment by the General Court of the Commonwealth of Massachusetts

The following recommendations for legislation are made to the General Court of the Commonwealth of Massachusetts: 1

1. The term "transcript" as used in the General Laws Chapter

1See Appendix L which contains the legislation submitted as a result of this study.
71, section 34A and section 34B be defined to include only the student's:

A. Name, address, date of birth
B. Year of graduation and/or years of attendance
C. Scholastic record
D. Attendance record
E. Class rank.

2. It is recommended that all information contained in the student permanent record files, except that defined above as the transcript, be removed and destroyed within five years after the student has graduated from or otherwise leaves the school.

3. It is recommended that the transcript as defined above be kept by the school for the anticipated lifetime of the individual.

4. It is recommended that while the individual is enrolled in school no one other than school professional personnel, the student or his parents should be given access to the permanent record file without a written release from the student if he is over 16 years of age or the parent if the student is not 16 years old. Public authorities into whose charge a student may have been placed by a court may have access to particular parts of a record if their need is clear.

The contents of the file should be interpreted to the student, parents or to those for whom a written release was obtained by a member of the professional staff of the school.
to avoid misinterpretation.

5. It is recommended that after the student has graduated from high school, or terminated at age 16, no one should have access to the student's permanent record file or transcript without a written release from the student. It is recommended that the permanent record file or transcript be made available to the student or his guardian under the same guidelines described in item 4, above.

Recommendations for Further Research into the Content and Accessibility of Student Permanent Record Files

The following recommendations are made for further research into the content and accessibility of student permanent record files:

1. It is recommended that this study be replicated in other areas of the country to determine if the record keeping practices in these areas are consistent with those in Massachusetts.

2. It is recommended that a study be carried out to determine why the various specific topics of information are kept in student permanent record files.

3. It is recommended that a study be carried out to determine why various individuals and agencies are given access to student permanent record files.
APPENDIX
Amendment 1
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment 3
No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment 4
The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 5
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 14, Section 1
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
APPENDIX B


No teacher, guidance officer, school executive, or other professional person engaged in character building in the public schools or in any other educational institution, including any clerical worker of such schools and institutions, who maintains records of students' behavior or who has such records in his custody, or who receives in confidence communications from students or other juveniles, shall be allowed in any proceedings civil or criminal, in any court of this state, to disclose any information obtained by him from such records of such communications; nor to produce such records or transcriptions thereof; Provided, that any such testimony may be given, with the consent of the person so confiding or to whom such records relate, if such person be twenty-one (21) years of age or over, or if such person be a minor with the consent of his or her parent or legal guardian.
Senator/ Representative
Street
City/ Town, Massachusetts

August 20, 1971

Dear :

Recently, in conjunction with both a study of our own record keeping practices and research I have conducted for a doctoral dissertation at the University of Massachusetts, I completed an extensive survey of all the public high schools in the Commonwealth. The intent of the survey was to determine the current procedures used in the schools related to the content and accessibility of student permanent record files.

As an additional part of this study I plan to interview members of the General Court serving on the Education Committee. It is in this regard that I am writing you. I would like to interview you on the topic of the contents and accessibility of student permanent record files, as well as your legal interpretation or viewpoints on the individual's right to privacy.

I will need approximately one half hour for the interview. I am available to meet with you at a time and place convenient for you.

I sincerely hope that we can meet together to discuss this topic. I respectfully await your reply.

Yours truly,

William E. Allen
APPENDIX D
QUESTIONNAIRE FOR DETERMINING THE CONTENTS AND ACCESSIBILITY OF STUDENT PERMANENT RECORD FILES

DIRECTION: Please complete this questionnaire as soon as possible and return it in the stamped, self-addressed envelope provided to:

William E. Allen
Administrative Assistant
Amherst-Pelham Regional School District
Amherst, Massachusetts 01002

Published results of this study will not contain references to specific schools or school districts.

1. Name of high school ____________________________

2. Grade levels in the high school (check one)  7-12;  8-12;  9-12;  10-12;  other _______

3. Number of students enrolled in the high school ____________

4. In what form do you keep your student permanent record files while the student is enrolled in high school? Check one: _____ folders; _____ file cards; _____ microfilm; _____ computer bank; _____ other (explain) _______

5. In what form do you keep your student permanent record file after the student graduates from or otherwise leaves high school? Check one: _____ folders; _____ file cards; _____ microfilm; _____ computer bank; _____ other (explain) ____________________________

6. How long do you keep a student's permanent record file after he graduates from or otherwise leaves high school? ________________ years

7. Do you permit periodic examinations of student records by the student or his parents  ____ Yes  ____ No

   If "yes", please describe the procedure you employ.

8. Do you permit the student or his parents to make or request changes in the student's permanent record file?  ____ Yes  ____ No

   If "yes", what may they change or request to have changed?
**ATTENTION**

There are four (4) steps required in filling out this page. Please complete each step in order.

---

**STEP 2**

If an individual or agency, listed below, has complete access to the information contained in the student's permanent record file, put a check on line A, "COMPLETE ACCESS TO FILE," in the square beneath the individual or agency described.

**STEP 3**

If an individual or agency has no access to the information contained in the student's permanent record file, put a check on line B, "NO ACCESS TO FILE," in the square beneath the individual or agency described.

**STEP 4**

If an individual or agency has limited access to the information contained in the student's permanent record file, put a check on the grid in the appropriate square beneath that individual or agency and oppose the word or phrase that describes the information to which access is given.

---

### INDIVIDUALS and AGENCIES

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Please turn to page 4.
Do you have specific suggestions related to the contents and/or accessibility of student permanent record files? If so, please describe your suggestions in detail.

Would you like a summary of the questionnaire results? ___ Yes ___ No

Thank you.
APPENDIX E
APPENDIX E

Card field coding for the processing of the responses to the self-administered questionnaire.

Card 1

Word or phrase that describes the information kept as a part of the student's permanent record file.

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<td>25-31</td>
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<td>school administrators</td>
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<tr>
<td>parents or guardians</td>
<td></td>
</tr>
</tbody>
</table>
FIELD NAME

(5) Parent's or Guardian's:
   full name
   address
   telephone number
   age
   U.S. citizenship
   native (spoken) language
   occupation
   employer

33-40

(6) Sibling's:
   full name(s)
   address
   telephone number
   age
   date of birth
   sex
   school/occupation
   employer

42-49

(7) Neighbor's:
   full name
   address
   telephone number
   occupation
   employer

51-55

(8) Other: List

57-77

(9) Card Code Number

79-80
Cards 2 through 17

The individuals or agencies to whom complete, partial or no access to the students permanent record file is given.

FIELD NAME  
CARD COLUMNS

(1) School Code Number 1-3

(2) Students:  
full name  
address  
te telephone number  
date of birth  
place of birth  
sex  
grades  
attendance record  
health record  
class rank  
honors  
extra curricular activities  
achievement test scores  
personality inventory results

5-18

(3) Written Comments:  
assessing educational potential 20-23  
assessing school behavior  
assessing employment potential  
assessing behavior out of school

(4) Written Comments By:  
 the student 25-31  
teachers  
counselors  
psychologists  
social workers  
school administrators  
parents or guardians
FIELD NAME

(5) Parent's or Guardian's:
   full name
   address
   telephone number
   age
   U.S. citizenship
   native (spoken) language
   occupation
   employer

(6) Sibling's:
   full name(s)
   address
   telephone number
   age
   date of birth
   sex
   school/occupation
   employer

(7) Neighbor's:
   full name
   address
   telephone number
   occupation
   employer

(8) Other: List

(9) Level of accessibility:
   complete access
   limited access
   no access

(10) Card Code Number (Individual or Agency)
Card 18

The questions asked on page one of the questionnaire.

<table>
<thead>
<tr>
<th>FIELD NAME</th>
<th>CARD COLUMN</th>
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</thead>
<tbody>
<tr>
<td>(1) School Code Number</td>
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<tr>
<td>(2) Grade levels in the high school</td>
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<tr>
<td>(3) Number of students enrolled in the high school</td>
<td>7-10</td>
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<tr>
<td>(4) Form in which permanent record files are kept while the student is enrolled in high school</td>
<td>12</td>
</tr>
<tr>
<td>(5) Form in which permanent record files are kept after the individual leaves school</td>
<td>14</td>
</tr>
<tr>
<td>(6) Length of time the permanent record file is kept after the student leaves school</td>
<td>16-18</td>
</tr>
<tr>
<td>(7) Periodic examination of the record file by the student or parent</td>
<td>20</td>
</tr>
<tr>
<td>(8) Permit students or parents to make or request changes in the file</td>
<td>22</td>
</tr>
<tr>
<td>(9) Card Code Number</td>
<td>79-80</td>
</tr>
</tbody>
</table>
APPENDIX F

The questions asked during the interviews conducted for this study.

1. What information do you feel should be contained in student permanent record files?
2. Do you feel that the contents of student permanent record files are similar from school system to school system within Massachusetts and nationally?
3. What information is required to be kept as a part of the student permanent record file in the Commonwealth of Massachusetts?
4. Do you feel that the contents of student permanent record files should be the same from school system to school system?
5. Does the individual have a right to privacy?
6. Do public high school students have a right to privacy?
7. Who should have access to the information contained in a student's permanent record file?
8. Should the student have access to his own permanent record file?
9. Under what conditions should access be granted to the information contained in a student's permanent record file:
   a. while he is still in school?
   b. after he has graduated or otherwise left the high school?
10. How long should the student's permanent record file be kept after he graduates from or otherwise leaves the high school?
11. After the individual leaves high school should any of the contents be removed from the permanent record file?
   If "yes" - explain.
Dear Sir:

The attached questionnaire, concerned with student permanent record files, is part of a state-wide survey being carried out by me for both the Amherst-Pelham Regional School District and my own graduate work at the University of Massachusetts. This project is concerned specifically with determining the contents of student permanent record files, who has access to the files and how much of the contents of the files are available to those who have access to them. The results of this study will provide us with the information necessary to develop a model for use in setting forth procedures for the maintenance and control of student permanent record files.

The enclosed questionnaire has been tested by a sampling of high school principals, and we have revised it in order to make it possible for us to obtain all necessary data while requiring a minimum of your time. The time required to complete the questionnaire by the sample group was less than fifteen minutes.

It will be appreciated if you would complete the questionnaire prior to May 15th and return it in the self-addressed envelope enclosed. Other phases of this study cannot be carried out until we complete an analysis of the questionnaire data. We would welcome any comments that you may have concerning any aspect of the topic of student permanent record files not covered in the questionnaire. We will be pleased to send you a summary of the questionnaire results if you indicate your desire for the information on page 4 of the questionnaire. Thank you for your cooperation.

Your truly,

William E. Allen
Administrative Assistant
May 15, 1971

Dear Sir:

Our records indicate that you have not returned the Questionnaire for Determining the Contents and Accessibility of Student Permanent Record Files. Your response will add significantly to our findings. Thank you for your cooperation.

Yours truly,

William E. Allen
Administrative Assistant
Amherst-Pelham Reg. Sch. Dist.
Amherst, Massachusetts
APPENDIX I
Dear Sir:

Our records indicate that you have not yet responded to our initial requests for information. Your considered response will add significantly to our findings.

The attached questionnaire, concerned with student permanent record files, is part of a state-wide survey being carried out by me for both the Amherst-Pelham Regional School District and my own graduate work at the University of Massachusetts. This project is concerned specifically with determining the contents of student permanent record files, who has access to the files and how much of the contents of the files are available to those who have access to them. The results of this study will provide us with the information necessary to develop a model for use in setting forth procedures for the maintenance and control of student permanent record files.

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It will be appreciated if you would complete the questionnaire prior to May 15th and return it in the self-addressed envelope enclosed. Other phases of this study cannot be carried out until we complete an analysis of the questionnaire data. We would welcome any comments that you may have concerning any aspect of the topic of student permanent record files not covered in the questionnaire.
We will be pleased to send you a summary of the questionnaire results if you indicate your desire for the information on page 4 of the questionnaire. Thank you for your cooperation.

Yours truly,

William E. Allen
Administrative Assistant
APPENDIX J
FIGURE 1

A COMPARISON OF THE CONTENTS FOUND IN STUDENT PERMANENT RECORD FILES AMONG HIGH SCHOOLS IN THE SAME SCHOOL SYSTEM *

<table>
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</table>

1Objective information related directly to the student.
2Written comments assessing behavior and potential.
3Written comments made by various individuals.
4Objective information related to parents or guardian.
5Objective information related to siblings.
6Objective information related to neighbor(s).
7"Other" information provided by the respondent.
8Each column in each "Field" represents one item of information from the self-administered questionnaire.
APPENDIX K
APPENDIX K

TABLE OF CASES

Amos v. Gunn, 94 So. 615 (Fla., 1922).
City and County of San Francisco v. Superior Court, 238 P. 2d 581.
City Council of Santa Monica v. Superior Court of Los Angeles County, 21 Cal. Rptr. 696 (1962).
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Griswold v. Connecticut, 185 S. Ct. 1678, 381 U.S. 476, 15 L. Ed. 2d.
Grumon v. Raymond, 1 Conn. 40 (1814).
Holcombe v. State, 200 So. 739 (Ala., 1941).
Holstead v. Price, 13 Mo. 171 (1850).
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Logan v. Mississippi Abstract Company, 200 So. 716 (Miss., 1941).
Milner v. Red River Valley Pub. Co., 249 S.W. 2d 227
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People ex. rel. Patterson v. Board of Education of City of Syracuse, 54 N.Y.S. 2d 80 (1945).


Roberson v. Rochester Folding Box Company, 64 N.E. 442 (N.Y., 1902).

Rowan v. Board of Education Logan County, 24 S.E. 2d 583 (W. Va., 1943).


State ex. rel. Smith v. Theus, 38 So. 870 (La., 1905).

State v. Martin, 163 S.E. 850 (W. Va., 1932).


Townsend v. Carter, 164 S.E. 49 (Ga., 1932).


Waters v. Fleetwood, 91 S.E. 2d 334 (1956).

APPENDIX L
APPENDIX L

On the following page is presented a copy of the legislation submitted to the General Court of the Commonwealth of Massachusetts as a result of the present study. The introduction of the bill was probably the easiest aspect of the process leading toward its being signed into law.

The investigator must now convince the various professional education associations in Massachusetts that the bill is important and that they and their members should lobby in its behalf. It is understood that without the support of the professional groups the bill will not be reported out of the joint Committee on Education of the General Court.
AN ACT FURTHER DEFINING THE TERM TRANSCRIPT AND ALLOWING SCHOOLS TO MAINTAIN OTHER RECORDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 71, sections 34A and 34B, of the general laws are hereby amended by adding after section 34B the following sections:

Section 34C. The term "transcript" as used in chapter 71, sections 34A and 34B shall be defined to include only the students: (a) name, address, date of birth and year of graduation from high school; (b) scholastic record; (c) attendance record; (d) class rank. The transcript as defined in this section shall be maintained for the life-time of the individual.

Section 34D. Each school in the commonwealth may maintain other records to meet the educational needs of each individual and to reflect services rendered by each

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary. Dates and numbers (except the section numbers of this bill) should be written in words.
school. For the purposes of this section and to distinguish these records from the student's transcript as defined in chapter 71, section 34C, this record shall be termed "student permanent record file".

(a) No person other than school personnel should be given access to a student's permanent record file without the consent of the parent/guardian and if the student is over sixteen years of age, the student's consent. (b) Other public authorities into whose charge a student may have been placed by a court may have access to particular parts of a record if this need is clear. (c) Reports of psychologists shall not be made available to persons not professionally qualified in this area. (d) A student's permanent record file shall be available upon the request of the student and his parents or guardian. A member of the professional staff shall interpret the content to avoid misinterpretations. (e) After a student has graduated from high school or terminated his schooling at age sixteen, no one shall have access to the student's permanent record file without written permission of the student. (f) Each student permanent record file shall be destroyed five years after the student has graduated or left high school.
BIBLIOGRAPHY
BIBLIOGRAPHY

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New York State Education Department, "Regulations of the Commission of Education," Dec. 1956, Subd. 1.


PERIODICALS


LEGAL LITERATURE


15 C. J. S., Confidentiality, sec. 821-822.
75 C. J. S., Records, sec. 33-41.
77 C. J. S., Right of Privacy, sec. 1-3.


UNPUBLISHED MATERIALS

Heck, Arch O. A Study of Child Accounting Methods. Columbus: Ohio State University, 1925.


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