



STUDENTS: Promotion and Retention

Student Records

I. Purpose

To establish procedures governing access to and disclosure of student records in the Baltimore County Public Schools (BCPS).

II. Definitions

- A. *Business Day* – Any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- B. *Confidential* – Private, not intended to be shared with others.
- C. *Confidentiality* – The act of protecting the disclosure of a student record, except as allowed by federal or state law and regulations.
- D. *Directory Information* – Information contained in a student record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.
- E. *Disclosure* – Permitting access to, or the release, transfer or other communication of, personally identifiable information contained in student records to any party, by any means, including oral, written or electronic means.
- F. *Eligible Student* – A student who is 18 years old or older or is attending an institution of post-secondary education.
- G. *Parent* – A natural parent, legal guardian or an individual acting as a parent in the absence of the parent or guardian.
- H. *Parental Consent* – Written permission given by a parent or guardian for the purpose of permitting disclosure of student records.
- I. *Personally Identifiable Information (PII)* – Data or information that includes, but is not limited to:
  - 1. The name of a student;
  - 2. The student’s parent, guardian or other family member;

3. The address of the student;
  4. A personal identifier, such as the student's social security number or student number;
  5. A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or
  6. Other information which would make it possible to identify the student with reasonable certainty.
- J. *Record* – Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
- K. *School Official* – An individual employed by, or a person or company contracted by, the school system who has a legitimate educational interest in a student record in order to fulfill professional or job responsibilities, as determined by BCPS.
- L. *Student Records* –
1. Those records that are:
    - a. Directly related to a student; and
    - b. Maintained by BCPS or by a party acting for BCPS.
  2. “Student Records” includes, but is not limited to:
    - a. Records concerning disciplinary actions taken against students; and
    - b. Records relating to a student's employment by BCPS. Employment for this purpose does not include activities for which a student received a grade or credit in a course.
  3. “Student Records” do not include:
    - a. Records that are kept in the sole possession of the maker, are used only as a personal memory aid and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
    - b. Reportable community offense records;
    - c. Reports of suspected child abuse/child neglect/mental injury;
    - d. State-mandated bullying, harassment or intimidation reports;
    - e. Reports of gang-related activity; and
    - f. Records of a student's treatment for substance abuse or efforts to obtain treatment for substance abuse.

### III. Content and Retention of Student Records

The following records are mandated by the Maryland State Department of Education’s *Maryland Student Records System Manual*, State regulation and BCPS procedures and shall be retained as indicated below.

<u>Mandated Student Record Card Elements</u>		<u>Retention</u>
SR Card 1	Student’s personal data	Permanent
SR Card 2	Annual performance, prek-8	Student Age 21
SR Card 3	Annual secondary school performance (Grades 9-12)	Permanent
SR Card 3A	Supplemental	Permanent
SR Card 4	State mandated and local school system testing	Student Age 21
SR Card 5	Health screening	Student Age 21
SR Card 7	Maryland Student Withdrawal/Transfer Record	Student Age 21
	Statewide Educational Interview Form	1 year
	Immunization data	Student Age 21
	Blood Lead Certificate DHMH 4620	Student Age 21
	Record of Health Inventory	Student Age 21
	Discipline Records	Graduation of High School Program or Age 21
	Medical Assistance Records	6 years
	Student attendance cards, including cards for part-time enrolled students	6 years
	Educational assessment, psychological assessments, psychosocial assessments, social histories and health information	6 years
	Documentation of residency	6 years
	Restraining orders, custody documentation and court orders	6 years
 <u>Information Required for Student with Disabilities:</u>		
	Individualized Educational Programs (IEP)/504 Plans	Age 24
	Special Service Information Systems (SSIS) Form	6 years
	Assessment Reports	6 years
	IEP Team Meeting Summary Sheets and Notes	6 years

IV. Annual Notification of Rights

- A. BCPS will advise the parents of current students, or eligible students, annually of their rights under FERPA. The annual notification of rights will be published in the BCPS *Student Handbook* and sent home at the beginning of each school year with each student.
- B. The annual notification of rights will inform parents or eligible students of their right to:
  - 1. Inspect and review student records;
  - 2. Seek amendment of a student record that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the students' privacy rights;
  - 3. Consent to disclosures of personally identifiable information contained in the student record, except to the extent that federal or state law or regulation authorizes disclosure without consent;
  - 4. File a complaint with the United States Department of Education concerning alleged failures by BCPS to comply with the requirements of FERPA; and
  - 5. To restrict the release of directory information.
- C. Where possible, BCPS will provide translations of the annual notification of parent rights to non-English speaking parents in their native language.
- D. Parents will be notified with their child's fourth quarter report card of the procedures for reviewing their child's student records.
- E. Parents will be notified annually of the procedures for verifying systemwide deletion of their child's student data and records.

V. Right to Review and Inspect Student Records

- A. A parent (or eligible student) has the right to inspect and review the student record.
- B. A parent or eligible student should submit to the principal a written request that identifies, as precisely as possible, the specific record or records he or she wishes to inspect.

- C. The principal will schedule a mutually convenient time with the parent or eligible student to inspect and review the student record. The inspection shall be conducted in the presence of a school official.
- D. The principal shall comply with the parent or eligible student's request to inspect and review the student record within a reasonable period of time, but in no case more than 45 calendar days after the request is received.
- E. For students identified under the Individuals with Disabilities Act (IDEA), the principal shall comply with the parent request without unnecessary delay and before any scheduled IEP team meeting, due process hearing or resolution session pursuant to the requirements of idea, and in no case more than 45 days after the request has been made.
- F. Personally identifiable information about other students shall not be disclosed during the inspection and review of the student record.
- G. BCPS will respond to reasonable requests for explanation and interpretation of student records.
  - 1. When psychological records are included in the student record, a school psychologist should be available to interpret the record.
  - 2. Requests for interpretation of student records that include reports written by private physicians or of a confidential nature shall be directed to the person who wrote the report or those with authority to interpret such reports.

VI. Rights of Noncustodial Parents

- A. If the parents of a student are separated, divorced or otherwise living apart, BCPS shall permit both the custodial and noncustodial parent to inspect and review the student record, except as provided in paragraph VI(C) below.
- B. If the noncustodial parent requests to be provided copies of school-related information provided to the custodial parent, BCPS will provide copies of the information, except as provided in Paragraph VI(C) below.
  - 1. For purposes of this rule, "school-related information provided to the custodial parent" means:
    - a. Documents that are regularly provided to the custodial parent at school meetings, by mail or by sending home with a student, such as statements on student and parent rights and

- responsibilities, school newsletters, school calendars and notices of parent conferences, open houses and plays; and
- b. Those student records that are provided to the custodial parent such as report cards, disciplinary notices, test scores, interim reports, loss-of-credit notifications and special education notices.
2. To request records under this paragraph, the noncustodial parent shall submit a written request to the school principal that includes his/her name, complete mailing address and the specific student record requested.
- a. BCPS may request that a parent provide self-addressed, stamped envelopes for sending this material or pay a reasonable fee for copying and mailing.
  - b. The custodial parent should be notified when such a request has been made.
- C. The noncustodial parent shall have full rights to review the student record, unless BCPS has been provided with a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

## VII. Amendment of Student Records

- A. The parent of a student (or an eligible student), who believes that information contained in the student record is inaccurate, misleading or violates the privacy rights of the student may make a written request to the school principal to amend the records.
- B. The principal will hold a conference with the parent (or eligible student) concerning the request.
- C. The principal will notify the parent, in writing, concerning his/her decision.
  - 1. If agreement is reached to grant the request, the record will be amended as soon as practicable.
  - 2. If the request is denied, the principal will notify the parent or eligible student of the procedures for appealing the decision.

## VIII. Records Management

- A. Minimal content, retention, disposition and destruction of student records will be in accordance with guidelines outlined in the Maryland State

Department of Education's *Student Records System Manual*, State Regulation and BCPS procedures.

- B. A student record shall be created for each student enrolled in BCPS.
  - C. Review and Updating Student Records
    - 1. To ensure that student records are relevant and accurate, a review of student records shall occur when:
      - a. The student transfers to the next higher level; such as, from elementary to middle school or middle to high school;
      - b. The student graduates from high school; and
      - c. The student withdraws for any reason.
    - 2. During the review, extraneous material or records that no longer serve a legitimate educational purpose should be removed and destroyed.
    - 3. Documentation should not be removed from the student record if:
      - a. An outstanding request to inspect the record exists;
      - b. A litigation hold has been issued; or
      - c. A subpoena for the records has been served on BCPS.
  - D. Each principal shall certify annually in writing to the superintendent the accuracy of the student records maintained at his/her school.
- IX. Provision of Documents for Students Identified Under the Individuals with Disabilities Act (IDEA)
- A. At least five (5) business days before a scheduled individualized education program (IEP) team meeting or other multidisciplinary education team meeting, school personnel will provide the parents with an accessible copy of each assessment, report, data chart, draft IEP or other document that either team plans to discuss at the meeting.
  - B. An assessment, report, data chart or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the parents orally and in writing prior to the meeting.
  - C. If school personnel are unable to provide a copy of the materials at least five (5) business days before the scheduled meeting because of extenuating circumstance, school personnel are to document and communicate to the

parents the nature of the extenuating circumstance that prevented school personnel from providing copies of the materials.

- D. Not later than five (5) business days after a scheduled meeting of the IEP team or other multidisciplinary team for a student with a disability, appropriate school personnel shall provide the parents of the student with a disability with a copy of the completed IEP. If the IEP has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the IEP.
- E. No charge for copies will be assessed for records released under this paragraph.

X. Disclosure of Student Records

- A. Prior consent required
  - 1. The parent or the eligible student shall provide a signed and dated written consent before BCPS will disclose personally identifiable information from the student records to a third party.
    - a. The parent or eligible student must notify the principal of his consent by submitting a signed and dated BCPS *Consent for Release of Records Form* (Rule 5230, Form A). An original signature is required; an electronic copy will not be accepted.
  - 2. When the *Consent for Release of Records Form* authorizes the release of psychological assessment reports, the written request shall be forwarded to the Office of Psychological Services for processing.
- B. Prior consent for disclosure not required
  - 1. Student records may be released without the written consent of the parent or the eligible student, if the disclosure is:
    - a. To school officials with legitimate educational interests;
    - b. To officials of another school or school system in which the student seeks or intends to enroll; or
    - c. To comply with a judicial court order of lawfully issued subpoena if BCPS makes a reasonable attempt to notify the parent or eligible student in advance of compliance so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:
      - (1) A federal grand jury subpoena and the court has ordered that the existence or the contents of the

subpoena or the information furnished in response to the subpoena not be disclosed; or

(2) Any other lawfully issued subpoena has ordered that the existence of the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

- d. To the court when BCPS initiates legal action against the parent or student and a reasonable effort to notify the parent or eligible student has been provided;
- e. To appropriate parties in a health or safety emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other person; or
- f. To authorized representatives of state and local educational authorities provided the disclosure is in connection with an audit or evaluation of federal-or state-supported education programs; or enforcement of, or compliance with, federal legal requirements relating to such programs.
- g. As otherwise permitted by federal or state law or regulation.

C. Information from a Student record may not be disclosed over the phone, except to the receiving school for students in “state-supervised care” where BCPS is required to release grade and level of service under IDEA or Section 504.

D. Each school must maintain a record of each request for disclosure of personally identifiable information from student records. The *Student Record Access Log* is to be kept with each student record. This requirement does not apply to:

- 1. The Disclosure of directory information, as identified in paragraph XI;
- 2. Access by school officials; or
- 3. A federal grand jury subpoena or other lawfully issued subpoena that has ordered that the existence of the contents of the subpoena or information furnished in response to a subpoena not be disclosed.

## XI. Disclosure of Directory Information

A. BCPS has designated the following categories of student information as directory information:

- 1. Student first and last name;
- 2. Dates of school attendance;

3. Grade level;
  4. School enrollment status;
  5. Most recent school attended;
  6. Major field of study;
  7. Participation in official activities and sports;
  8. Weight and height of athletic team participants;
  9. Degrees and awards received; and
  10. Photographic, video or electronic images.
- B. A parent may opt out of having BCPS release his/her child's directory information in the following ways:
1. In school publications;
  2. In BCPS/systemwide publications;
  3. In BCPS/systemwide and school communications;
  4. To outside news media organizations; and
  5. To third parties other than news media organizations.
- C. BCPS will notify parents annually of the categories of personally identifiable information that have been designated as directory information.
- D. BCPS may disclose personally identifiable information that has been designated as directory information without the consent of the parent or eligible student, unless the parent has timely notified the school principal that the designated information about his or her child may not be so disclosed.
- E. Student Privacy Options
1. In order to refuse/decline the release of directory information, the parent or eligible student must log into BCPS One, click on the student information tile/button, select the student's name from the dropdown menu and then click on the privacy preferences tile/button. The parent may request that BCPS not release their child's directory information by checking the appropriate boxes.
  2. If a parent or eligible student does not have access to the Internet:
    - a. The parent/eligible student may contact his/her child's school principal to use a computer terminal to access BCPS One; or
    - b. Complete the *Student Privacy Options* (Rule 6202, Attachment) and submit the form to the child's school principal.
  3. The student privacy option required under this paragraph must be completed by October 1 each school year or within 30 days of the

student's enrollment in school. If the parent wishes to change his/her child's privacy option after the deadline, he/she must complete the *Student Privacy Options* (Rule 6202, Attachment) and submit the form to the child's school principal.

- F. Directory information will not be disclosed over the phone.
- G. Requests for Directory Information
  - 1. Requests for directory information for 1 to 35 students in a particular school shall be made in writing to the school principal. Schools will charge per page for the compilation, copying and administrative costs associated with the production of this information.
  - 2. Requests for directory information for more than 35 students or for more than 1 school shall be made in writing to the Office of enterprise applications.
    - a. The request shall identify the specific records requested, the school name and/or grade level.
    - b. The Office of Enterprise Applications will charge per school list for the compilation, copying and administrative costs associated with the production of the list.
  - 3. Requests for directory information for student participation in officially recognized activities and sports shall be communicated in writing to the school principal. Schools will charge per page for the compilation, copying and administrative costs associated with the production of this information.

## XII. Military Recruiters and Institutions of Higher Education

- A. Federal law requires a school system to provide, on a request made by a military recruiter or institution of higher education, access to a secondary school student's name, address and telephone number, unless the parent (or eligible student) has notified the school principal in writing that this information not be released. State law also requires BCPS to provide the same information to official recruiting representatives of the military forces of Maryland and the United States in order to inform students of educational and career opportunities available in the military.
- B. In order to refuse/decline the release of their child's name, address and telephone listing to military recruiters and institutions of higher education directory information, the parent or eligible student must log into BCPS One, click on the student information tile/button, select the student's name

from the dropdown menu and then click on the privacy preferences tile/button. The parent may request that BCPS not release their child's information by checking the appropriate boxes.

- C. If a parent or eligible student does not have access to the Internet:
  - 1. The parent/eligible student may contact his/her child's school principal to use a computer terminal to access BCPS One; or
  - 2. Complete the *Student Privacy Options* (Rule 6202, Attachment) and submit the form to the child's school principal.
  
- D. The student privacy option required under this paragraph must be completed by October 1 each school year or within 30 days of the student's enrollment in school. If the parent wishes to change his/her child's privacy option after the deadline, he/she must complete the *Student Privacy Options* (Rule 6202, Attachment) and submit the form to the child's school principal.

### XIII. Transcripts/Diplomas

- A. A maximum of three official transcripts may be issued by the student's school. There will be no charge for transcripts issued while the student is enrolled in BCPS.
  
- B. Requests for transcripts or requests made one year or more after graduation shall be referred to the Office of Student Data. After graduation or permanent withdrawal from school, a fee will be assessed in accordance with BCPS procedures.
  
- C. Requests for duplicate diplomas shall be referred to the Office of Student Data. A fee will be assessed in accordance with BCPS procedures.

### XIV. Transferring of Student Records

- A. The transfer of student records within BCPS and to schools where the student seeks to attend will be handled in accordance with the *Maryland State Department of Education Student Records System Manual* and BCPS procedures.
  
- B. To Other Baltimore County Public Schools
  - 1. Student records are routinely transferred for students who transfer as a result of promotion or boundary change.

2. If a student transfers to a BCPS alternative placement the sending school keeps the original student record and sends copies of the following: residency information, immunizations, emergency contact information, transcripts, test record, health information, special education and 504 records.

C. To Another Public School in Maryland

1. Student records may be transferred upon receipt of a written request from the receiving school.
2. When a student transfers to another public school in Maryland, send the original student records in their entirety including special education and discipline records.
3. The sending school keeps copies of the SR Card 1 (both sides), SR 2/3 Cards, current IEP, most recent assessment reports and documentation of the disability for the student with disabilities who has received or is receiving special education services.

D. To Private Schools and Schools Outside of Maryland

1. Upon written notice from a non-Maryland public school of a student's intent to enroll, the parent (or eligible student) shall be notified of the transfer of records to the last known address of the parent (or eligible student), unless the transfer of records was initiated by the parent (or eligible student) at the student's BCPS school.
2. If a transfer request is initiated by the parent (or eligible student), only copies of the records may be given; original records are never given to the parent (or eligible student).
3. Upon notice of enrollment and on written request by a non-public Maryland school, the sending school will forward a copy of the student record in its entirety, including special education and discipline records.
4. An entry shall be made in the *Student Record Access Log* indicating where the student records were transferred prior to making the final copy of the log.
5. The school may charge a reasonable fee per page for copies of records requested under this paragraph.

E. Court Agencies

The BCPS court liaison will be responsible for securing and submitting school reports to the Office of the State's Attorney, Department of Juvenile

Services, Department of Social Services and the Division of Parole and Probation.

F. Law Enforcement Agencies

1. County, state or federal police officers will be directed to contact the court liaison for the Office of Pupil Personnel Services for all law enforcement requests for student records.
2. The court liaison for the Office of Pupil Personnel Services will be responsible for identifying the law enforcement officer making the request and determining whether the information will be released.
3. The Office of Pupil Personnel Services will be responsible for releasing the information or notifying the officer that the information will not be released without a subpoena or court order.

Legal References: 20 U.S.C. §1232g, *Family Educational Rights and Privacy Act (FERPA)*  
20 U.S.C. §1400, et seq., *Individuals with Disabilities Education Act (IDEA)*  
20 U.S.C. §7908, *Armed Forces Recruiter Access to Students and Student Recruiting Information*  
34 CFR 300.623, *Safeguards*  
34 CFR PART 99, *Family Educational Rights and Privacy*  
Annotated Code of Maryland, Education Article §7-111, *Access to Military Recruiters*  
Annotated Code of Maryland, General Provisions Article §4-313, *Student Records*  
COMAR 13A.08.02, *Student Records*  
COMAR 13A.08.07, *Transfer of Educational Records for Children in State-Supervised Care*

Related Policies: Board of Education Policy 4104, *Technology Acceptable Use Policy (TAUP) for Employees and Approved Non-Employees*  
Board of Education Policy 5100, *Compulsory Attendance*  
Board of Education Policy 5110, *Admission*  
Board of Education Policy 5420, *Health Services*  
Board of Education Policy 6202, *Technology Acceptable Use Policy (TAUP) for Students*

Related Rules: Superintendent's Rule 1110, *Publications, Radio, Television and Digital Media*  
Superintendent's Rule 4104, *Technology Acceptable Use Policy (TAUP) for Employees and Approved Non-Employees*  
Superintendent's Rule 6202, *Technology Acceptable Use Policy (TAUP) for Students*

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