



STUDENTS: Promotion and Retention

Student Records

I. Purpose

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

II. Definitions

A. Business Day

- 1. Monday through Friday, except for federal or state holidays, when a local school system or public agency is open for business whether or not students are required to be in attendance for instruction.

B. Directory Information

- 1. Information contained in a student record which would not generally be considered harmful or an invasion of privacy if disclosed.
- 2. BCPS has designated the following categories of student information as directory information:
 - a. Student's name
 - b. Address
 - c. Date of birth
 - d. Participation in officially recognized activities and sports
 - e. Weight and height of members of athletic teams
 - f. Dates of attendance
 - g. Degrees and awards received

C. Discipline Record

- 1. The discipline record is part of a student record and, at minimum, includes all suspension notices and disposition letters.

D. Eligible student

- 1. A student who has reached 18 years of age or is attending an institution of post-secondary education.

E. Parent

- 1. The biological parent, legal guardian, or person acting in the absence of the parent or guardian.

- F. Parental consent
 - 1. Written permission given by a parent or guardian for the purpose of permitting disclosure of student records.
- G. School official
 - 1. Those individuals 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.
- H. Student records
 - 1. Those records, files, documents, and other materials which contain information directly related to a student and are maintained by the BCPS or by a party acting on behalf of BCPS. Such records may be handwritten, or in the form of print, tape, audiotape, film, microfilm, microfiche, electronic data storage, or in any other format or medium.

III. News/Photography

- A. Students may be photographed, videotaped, audiotaped, and/or interviewed while participating in school-sponsored activities when such activities are of interest to the news media. All media activities in schools will be monitored by school staff. School administrative staff will deny access to news media if their presence is deemed disruptive to the school day or to students, or if photographing, videotaping, and/or audio taping students is not appropriate, given the nature of a particular news story.
- B. Approval to photograph, videotape, audiotape, and/or interview students while participating in school-sponsored activities may be withheld at the parent's request. This request must be submitted in writing to the school principal no later than October 1 of the school year or within 30 days of enrollment into school, if students enroll after the start of the school year.
- C. If a school wishes to publish photographs of students, the school must comply with Board of Education policy and Superintendent's Rule 6202.

IV. Armed Forces Recruiter Access to Student Information

- A. Federal law requires a school system to provide, on a request made by military recruiters, access to secondary school students' names, addresses,

and telephone listings, unless the parent (or eligible student) has notified the school principal in writing that this information not be released.

V. Disclosure of Directory Information

- A. Directory information may be disclosed without the consent of the parent, unless the parent has timely notified the school principal that the designated information about his or her child may not be so disclosed.
- B. Directory information may be withheld from disclosure at the parent's request. This request must be submitted in writing to the school principal no later than October 1 of the school year or within 30 days of enrollment into school, if students enroll after the start of the school year.
- C. No directory information will be supplied over the phone.
- D. Obtaining Directory Information
 - 1. Requests for information for 1 to 35 students in a particular school shall be made in writing to the school principal.
 - a. Schools will charge \$1.00 per page for the compilation, copying, and administrative costs associated with the production of this information.
 - 2. Requests for information for more than 35 students or for more than 1 school shall be made in writing to the Office of Student Data.
 - a. The request shall identify the specific records requested, the school name, and/or grade level.
 - b. The Office of Student Data will charge \$100.00 per school list for the compilation, copying, and administrative costs associated with the production of the list.
 - 3. Requests for Information for student participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, or degrees and awards received shall be communicated in writing to the school principal.
 - a. Schools will charge a minimum OF \$1.00 per page for the compilation, copying, and administrative costs associated with the production of this information.

VI. Annual Notification of Parent (or Eligible Student) Rights Under the Family Educational Rights and Privacy Act (FERPA)

- A. BCPS will advise parents (or eligible students) annually of their rights under FERPA. BCPS will send notice of these rights home with each student in the BCPS *Student Handbook* and in the BCPS information calendar. This notice will include:
1. The right to inspect and review student records;
 2. The right to seek amendment of a student record which is believed to be inaccurate, misleading, or otherwise in violation of the students' privacy rights;
 3. The right to consent to disclosures of personally identifiable information contained in the student's records, except to the extent that FERPA authorizes disclosure without consent;
 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA;
 5. Student information that BCPS has designated as directory information and the right of the parent to restrict the release of directory information by BCPS; (See Section V above)
 6. Where possible, BCPS will arrange to provide translations of this notice to non-English speaking parents in their native language.

VII. Records Management

- A. The minimum content of students records, as well as the maintenance, retention, and destruction of student records, will be in accordance with guidelines outlined in the *Maryland State Department of Education Student Records System Manual, State Regulation*, and BCPS procedures. A record is created for each student who enrolls in BCPS.
- B. Content of Student Records
1. The following records are mandated by the Maryland Student Records System Manual OR BCPS 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

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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

C. Student Records do not include:

1. The personal notes, records, or other memory aids made by instructional, supervisory, and administrative personnel and educational personnel for the purpose of recalling information, which remain in the sole possession of the maker and which are not accessible or revealed to any other individual;
2. Reportable offense records;
3. Child abuse or neglect reports;
4. State-mandated bullying and harassment reports;
5. Records of a student's treatment for substance abuse or efforts to obtain treatment for substance abuse.

- D. Official Transcripts/Diplomas
 - 1. A maximum of three official transcripts may be issued by the student's school. There will be no charge for transcripts issued under this section during the first year following the student's graduation or permanent withdrawal from school.
 - 2. Requests for additional transcripts or requests made after the one-year period has elapsed shall be referred to the Office of School Counseling. A fee will be assessed in accordance with BCPS procedures.
 - 3. Requests for duplicate diplomas shall be referred to the Office of School Counseling. A fee will be assessed in accordance with BCPS procedures.

VIII. Release of Records

- A. BCPS shall not permit access to or the release of student records or personally identifiable information, except directory information, without the written consent of the parent (or eligible student), or as identified below.
- B. Student records may be released without the written consent of the parents of the student or the eligible student, if the disclosure is:
 - 1. To other BCPS school officials with legitimate educational interests as defined in Section II.(G.) of this rule.
 - 2. 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.
 - a. If a subpoena is received, staff members will notify the principal. The principal will contact the BCPS Office of Law for direction on the proper handling of the subpoena.
 - 3. To officials of another school or school system in which the student seeks to enroll.
 - 4. To appropriate persons in connection with 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.
 - 5. For other disclosures as allowed by federal or state law and regulations.
- C. The written consent of a parent (or eligible student) shall be secured before school personnel disclose personally identifiable information from the

student record to a third party, except as provided elsewhere in this regulation.

1. The parent (or eligible student) must notify the principal of his consent in writing by submitting a signed and dated original BCPS *Consent for Release of Records* form. (See Rule 5230, Form A)
2. Requests for copies of psychological assessment reports under this section shall be forwarded to the Office of Psychological Services for handling.
3. Requests for the disclosure of a student's protected health information from an outside agency will be made by using the BCPS *Authorization to Obtain Protected Health Information* form. (See Rule 5230, Form C)
4. BCPS may charge a reasonable fee for copies of records provided under this section.

D. Student record information 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.

E. 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.

1. This requirement does not apply to:
 - a. Directory information, as identified above;
 - b. Access by school officials;
 - c. A federal grant 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.

IX. Right to Review and Inspect Student Records

A. A parent (or eligible student) has the right to inspect and review student records.

B. The principal shall comply with requests for access to a student's record within a reasonable period of time, but in no case more than 45 calendar days after the request is received, except when access rights are required under IDEA:

1. If a student has an Individualized Education Program (IEP), the parent will be provided access to the student record without

unnecessary delay and before any scheduled IEP team meeting or due process hearing.

- C. A parent or eligible student should submit to the principal a written request that identifies, as precisely as possible, the record or records he or she wishes to inspect. The principal will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected in the presence of a school official.
- D. Care should be taken to ensure that personally identifiable information about other students is not revealed.
- E. BCPS will respond to reasonable requests for explanation and interpretation of student records.
 - 1. When psychological data is part of the record to be reviewed, a school psychologist should be available for interpretation.
 - 2. Requests for interpretation of reports written by private physicians or records of a confidential nature will be directed to the person who wrote the report or those with authority to interpret such reports.
- F. Rights of Noncustodial Parents
 - 1. If the parents of a student are separated, divorced, or otherwise living apart, BCPS shall permit either the custodial or noncustodial parent to inspect and review the student records unless such access has been denied by a court and the school has been provided with a copy of the court's order.
 - 2. Noncustodial parents are entitled to receive copies of report cards, test scores, school newsletters, interim reports, loss-of-credit notifications, and other information that pertains to their child's education and that is routinely sent to, or available to, the custodial parent unless there is a court order to the contrary.
 - a. The noncustodial parent has the responsibility to submit a written request to the principal which must include his/her name, address, and type of information desired.
 - b. BCPS may request that a parent provide self-addressed, stamped envelopes for sending this material or pay a reasonable fee for copying and mailing.
 - c. The custodial parent should be notified when such a request has been made.

- G. Court Agencies
 - 1. 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, and the Division of Parole and Probation.

- H. Law Enforcement Agencies
 - 1. County, state, or federal police officers will be directed to contact the Coordinator of the Office of Pupil Personnel Services for all law enforcement requests for student records.
 - 2. The Office of Pupil Personnel Services will be responsible for identifying the person making the request and determining whether the information will be released. 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.

- X. Copies of Records for Students Identified Under the Individuals with Disabilities Act (IDEA)
 - A. At least 5 business days before a scheduled IEP team meeting or other disciplinary education team meeting, school personnel will provide the parents with a copy of each assessment, report, data chart, draft IEP, or other document the 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 the IEP 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 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. No charge for copies will be assessed for records released under this section.

- XI. Review of Student Records

- A. To ensure that student records are relevant and accurate, a review of student records shall occur when:
 - 1. The student transfers to the next higher level, such as from elementary to middle school, or middle to high school;
 - 2. The student graduates from high school;
 - 3. The student withdraws for any reason.
- B. During the review, extraneous material or records that no longer serve a legitimate educational purpose should be removed and destroyed.
- C. Student records information should not be removed from the student record if:
 - 1. An outstanding request to inspect the record exists;
 - 2. A litigation hold has been issued;
 - 3. A subpoena for the records has been served on BCPS.

XII. Amendment of Student Records

- A. If a parent (or eligible student) believes that a student record is inaccurate, misleading, or violates the privacy rights of the student, he/she may make a written request with 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 her/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.

XIII. 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 Baltimore County Public Schools' alternative school or evening high school, 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. Original student records may be transferred upon the 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), SR2/3 Cards, current IEP, most recent assessment reports, and documentation of the disability for the student with disabilities who has received/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.
 - a. 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).
 - b. The school may charge a reasonable fee for copies of records.
 2. 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.
 3. 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.

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, State Government Article §10-616, Required Denials Specific Records
COMAR 13A.08.02, *Student Records*
COMAR 13A.08.07, *Transfer of Educational Records for Children in State-Supervised Care*

Rule	Superintendent of Schools
Approved:	9/25/69
Revised:	6/22/78
Revised:	6/15/99
Revised:	3/14/06
Revised:	11/08/06
Revised:	12/7/10

**PARENT(S)/GUARDIAN(S) OR ELIGIBLE STUDENT
RECORDS INFORMATION SHEETS**

In accordance with Maryland law, Baltimore County Public Schools (hereinafter, BCPS) are providing parents, legal guardians, or eligible students (hereinafter, parent) with this annual notification of rights.

1. Confidentiality

Student records maintained by BCPS are confidential in nature and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Prior parent consent is not required to forward records when a student transfers to another school or school system.

2. Access to Records

Student records maintained by BCPS shall be available to the student's parents for review and inspection in conference with appropriate school personnel. If a student is 18 years or older, rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student. Maryland law provides that student records may be released by BCPS to other educational or specific governmental agencies, to persons involved in approved research projects, to comply with certain judicial orders, or in certain health and emergency situations.

3. Request to Amend Student Records

The parent of a student, who believes the information contained in the student records is inaccurate or misleading or violates the privacy rights of the student, may request in writing that BCPS amend that record. The principal of the student's school or the appropriate administrator of an office shall decide whether or not to amend the student record in a reasonable period of time. If the parent is dissatisfied with the refusal to amend the student record, then the parent has the right to request a hearing before the appropriate administrator.

4. News/Photography

Students may be photographed, videotaped, audiotaped, and/or interviewed while participating in school-sponsored activities when such activities are of interest to the news media. All media activities in schools will be monitored by school staff. School administrative staff will deny access to news media if their presence is

deemed disruptive to the school day or to students or if photographing, videotaping, and/or audiotaping students is not appropriate, given the nature of a particular news story.

Approval to photograph, videotape, audiotape, and/or interview students while participating in school-sponsored activities may be withheld at the parent's request. This request must be submitted in writing to the school principal no later than October 1 of the school year or within 30 days of enrollment into school, if students enroll after the start of the school year.

5. Directory Information

BCPS has a policy of disclosing personally identifiable information from student records which does not require parent consent. This information is commonly referred to as "directory information." The following information has been designated as "directory information" by BCPS: student's name and address; date of birth; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; and degrees and awards received. You are hereby advised that this "directory information" may be withheld from disclosure at the parent's request. This request must be submitted in writing to the school principal no later than October 1 of the school year or within 30 days of enrollment into school, if students enroll after the start of the school year.

6. BCPS Review of Students Records

BCPS policy allows a periodic review of each student's educational records by school personnel for the purpose of deleting any unnecessary or outdated items from a student's record. This review also takes place at the time a student transfers from or otherwise leaves a school. For details of the BCPS' policy concerning the use, maintenance, and transfer of student records, the principal should be contacted.