



STUDENTS: Promotion and Retention

Progress: Student Records

1. Purpose

- A. The provisions under this rule are intended to preserve the rights of the student and parent(s)/guardian(s) to:
 - 1. Gain full access to all official records about the student that are maintained by the school or school system.
 - 2. Remove from the student records any information about the student that is determined to be inaccurate or misleading.
 - 3. Receive notice of and provide consent for disclosure of information in the student record.

2. Definitions

- A. Student records: information personally identifiable to a student that is maintained in written, photographic, or electronic format. Student records consist of basic student data which includes, but is not limited to, Maryland State Department of Education forms, health information maintained by the school nurse, and other information gathered to supplement the basic student data which is needed in meeting the educational needs of the student. This information includes disciplinary records, educational assessments, psychological assessments, psychosocial assessments, social histories, medical evaluations, and other information that is individually identifiable and requires consent to disclose.
- B. Eligible student: a student who is 18 years of age or older or is attending an institution of post-secondary education.
- C. Parental consent: the written permission given by a parent(s)/guardian(s) or individual providing for the care or custody of a student due to serious family hardship or kinship care for the purpose of permitting disclosure of student records. Eligible student(s) may access their records without prior consent of the parent(s)/guardian(s).
- D. School officials or authorized personnel with legitimate educational interest: those individuals employed or contracted by the school system

who need access to information in a student's record for the purpose of fulfilling professional or job responsibilities. School officials can include administrators, teachers, student support services personnel, school attorneys, internal auditors, and other regular or contractual employees acting on behalf of the school system. Authorized personnel includes representatives from other agencies who participate in student support teams, IEP teams, student assistance teams, or other student-oriented teams involved in educational planning.

E. Directory Information: In accordance with COMAR 13A.08.02.03, Baltimore County Public Schools have identified directory information as consisting of the following components contained in the educational record of a student:

1. The student's name
2. Address
3. Date of birth
4. Participation in officially recognized activities and sports
5. Weight and height of members of athletic teams
6. Dates of attendance
7. Degrees and awards received.

3. 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 audiotaping 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 Superintendent's Rule 6202 and use the designated forms.

4. Disclosure of Directory Information

- A. 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.
- B. Federal law requires a school system to provide student names, addresses, and telephone listings to military recruiters, when requested, unless a parent(s)/guardian(s) or eligible student has opted out of such disclosure.

5. Obtaining Directory Information

- A. Records of one to thirty-five in a particular school: any request for directory information involving a particular student or a group of less than thirty-six students in a specific school shall be addressed in writing to the principal of that particular school. Schools will charge \$1.00 per page for the compilation, copying, and administrative costs associated with the production of this information. No directory information will be supplied over the phone.
- B. Records of more than thirty-five students or lists involving more than one school: any request for directory information involving (1) lists of students' names for a school or grade of a school, (2) addresses of students, and/or (3) dates of birth of more than thirty-five student names for a particular school, a group of schools, and/or a grade level within a school or a group of schools will be communicated in writing to the Office of Student Data. The request for directory information shall specifically state which lists of students' names, addresses, and/or dates of birth for which school and/or grade in a particular school are being requested. 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. No directory information will be supplied over the phone.
- C. Any request for directory information involving (1) participation of students in officially recognized activities and sports; (2) weight and height of members of athletic teams, (3) dates of attendance of student, and/or (4) degrees and awards received by students shall be communicated in writing to the principal of the school. Schools will charge \$1.00 per page for the compilation, copying, and administrative costs associated with the

production of this information. No directory information will be supplied over the telephone.

6. Annual Notification of Parents’/Guardians’/Eligible Students’ Rights

A. Notification to students, parents, and guardians will be included each year in the Baltimore County Public Schools’ *Student Handbook* and the Baltimore County Public Schools’ calendar for distribution to all stakeholders. This notification will include:

1. The categories listed designated as directory information;
2. The rights of parent(s)/guardian(s), and eligible student(s) to inspect and review student records;
3. With the exception of grades, the rights of parent(s)/guardian(s) and eligible students to amend student records which are believed to be inaccurate;
4. The requirement to annually notify the principal in writing of the desire not to permit disclosure of directory information by October 1 of each school year or within 30 days of entry into school, if the student enrolled after the start of school; and,
5. The right to file a complaint with the U.S. Department of Education if the parent(s)/guardian(s) or eligible student(s) believe their rights under *The Family Education Rights and Privacy Act (FERPA)* have been violated and efforts to resolve the situation through Baltimore County Public Schools’ appeal channels have not proved satisfactory. (See Parent(s)/Guardian(s) or Eligible Student Records Information Sheets, pages 12 and 13.)

7. School Record-Keeping Practices and Procedures

A. School record-keeping practices and procedures will be in accordance with federal and state laws, regulations of the State Board of Education, and the *Maryland Student Records System Manual*. There is only one student record which includes all student information. Student record information includes, but is not limited to, the following.

1. Mandated Student Record Card Elements

SR Card 1	Student’s personal data
SR Card 2	Annual performance, prek-8
SR Card 3	Annual secondary school performance

SR Card 3A	Supplemental
SR Card 4	State mandated and local school system testing
SR Card 5	Health Screening
SR Card 7	Maryland Student Withdrawal/Transfer Record Statewide Educational Interview Form Immunization data Blood Lead Certificate DHMH 4620 Record of Health Inventory Discipline Records (minimally requires suspension Notice and all disposition letters) Information Required for Students with Disabilities: Individualized Educational Programs (IEP), Special Service Information Systems (SSIS) Form, Assessment Reports, IEP Team Meeting Summary Sheets and Notes, and Medical Assistance Records

2. Student attendance cards, including cards for part-time enrolled students.
3. Educational assessments, psychological assessments, psychosocial assessments, social histories, and health information.
4. Residency information in accordance with Board of Education Policy and Superintendent's Rule 5150.

B. Official Transcripts/Diplomas

1. High schools may issue a maximum of three official transcripts free of charge within one year of a student's graduation or permanent withdrawal from school. After the one year period has elapsed, all requests for official transcripts and diplomas should be referred to the Office of School Counseling and a fee is charged. The fee is waived for all government requests for official transcripts/diplomas. The request must be on government letterhead.
2. Baltimore County Public Schools will award a high school diploma to any individual who was honorably discharged from military service and who withdrew from a regular full-time Baltimore County public school to enlist in the armed forces of the United States during World War II, the Korean Conflict, or the Vietnam Conflict. Any requests for a diploma under these circumstances should be directed to the Office of School Counseling.

8. Inclusion of Information in the Student Record
 - A. Documents unrelated to the provision of educational services gathered by teachers, student support personnel, or other school personnel may not be included in the individual student's file without written consent of the principal and the parent(s)/guardian(s) or eligible student.

9. Sole Possession Records Kept by School Officials or Authorized Personnel
 - A. Sole possession records kept by professionals are not part of the student record.
 - B. Sole possession records are to be kept in a secure place and will not be shared with any other person. Personal notes may be shared with another person when that person is assuming the school's official position and needs this information to meet the needs of the student. Personal notes are to be destroyed when no longer useful in working with students.

10. Release of Information and Access to Records
 - A. School Officials and Authorized Personnel
 1. Access to student record information is limited to school officials with legitimate educational interest or authorized personnel as defined in section 2D of this rule. Release of student records information to a third party, absent a court order, requires written consent of the parent(s), guardian(s) or eligible students through submission of the BCPS "Consent for Release of Records" form.
 2. Student record information may not be disclosed over the phone with the exception of the following: the grade and level of services under IDEA or section 504 for students in "state-supervised care." This information may only be disclosed to the receiving school.
 3. Each school must maintain a record of any request for and excluding disclosure of personally identifiable information from student records. The *Student Record Access Log* is to be kept with each student record. Only disclosures of student record information to individuals not specified in section 2D of this rule would appear on the *Student Record Access Log*, and the parent(s)/guardian(s) or

eligible student(s) do not need to be recorded on the *Student Record Access Log*.

4. Responsibility for providing information or materials from a student record shall be processed through the school office and an administrator.
5. Access to student records may be granted to an authorized representatives of other appropriate parties during emergencies involving the health and safety of the student and other individuals upon approval of the principal when:
 - a. The seriousness of the threat and the need to prevent harm.
 - b. The “need to know” information to meet the emergency.
 - c. The extent to which the parties to whom the information is disclosed are in a position to deal with the emergency.
 - d. The extent to which time is of the essence in dealing with the emergency.

B. Parent(s)/Guardian(s)/Eligible Students

1. Parent(s)/guardian(s) and eligible student has the right to inspect and review education records. Parent(s)/guardian(s) or eligible student must request in writing copies of any educational records. A log is to be kept of any telephone requests in order to validate that the caller was informed of the Board Of Education’s policy. Schools must comply with requests for such records within 45 days and must provide copies for a reasonable fee.
2. The parent(s)/guardian(s) or eligible student has the right to request that a student record be amended when the parent(s)/guardian(s) or eligible student believes a record is inaccurate or misleading. The principal must respond in writing to the disposition of the request. If the request for amendment is denied, then the parent(s)/guardian(s) or eligible student has the right to a hearing with the appropriate administrator to challenge the content of the record. If the principal refuses to remove the information after the hearing with the appropriate administrator, the parent(s)/guardian(s) or eligible student contesting the information may include a statement regarding the contested information in the student’s record.

3. Requests for material of a confidential nature or reports written by private physicians, Board of Education personnel, psychologists, psychiatrists, and pupil personnel workers or school social workers, school nurses, or other professionals should be directed to the author and arrangements made for interpretation by the person who wrote the report or those with authority to interpret such reports.
4. Requests for Baltimore County Public Schools' psychological assessment reports by parent(s)/guardian(s) or eligible student may be released directly to parent(s)/guardian(s) or eligible student by appropriate school personnel or by the Office of Psychological Services. Absence of a court order requests for Baltimore County Public Schools' psychological assessment reports to be released to third parties require written permission from the parent(s)/guardian(s) or eligible students. Such requests should be directed to the Coordinator of the Office of Psychological Services.

C. Non-Custodial Parent

1. Non-custodial 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 absent a court order to the contrary.
2. The custodial parent is to be notified by the principal or designee when a request for records has been made by the non-custodial parent. The custodial parent may not prohibit the release of student records to the non-custodial parent or deny the non-custodial parent access to the student.
3. Release of student records to non-custodial parent(s) must be sought through the principal of the school or the Office of Pupil Personnel Services. This also includes whatever records remain in a school if a student is withdrawn or transferred. The school shall comply with any court order regarding the restricting or releasing of student records. Any court orders concerning access, secured by the custodial parent or person who has been granted custody, should be part of the student's file.

D. Courts

1. The Board of Education's court liaison will be responsible for securing and submitting school reports to the Department of Juvenile Services and the Adult Probation Department.
2. The courts and certain agencies have the authority to subpoena school records. Immediately upon receiving a subpoena, the principal should contact the Baltimore County Public Schools' Office of Law, Greenwood, for clarification of subpoenas issued for student records.

E. Law Enforcement Agencies

1. County, state, or federal police agents who contact and request student information should be advised to contact the Coordinator of the Office of Pupil Personnel Services for clarification of 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 or not the information should be released. The Office of Pupil Personnel Services will then be responsible for releasing the information or notifying the party making the request that the information cannot be made available.

- F. A *Student Record Access Log* for individuals or parties who are not school officials or authorized personnel with legitimate educational interest and who have requested and/or obtained access to a student record must be maintained by the principal/designee or other appropriate Baltimore County Public Schools' personnel. In addition to the name(s) of the person(s) requesting/obtaining access, the *Student Record Access Log* must indicate the date of request/review and the purpose of the review. The *Student Record Access Log* is to be maintained as a part of each student record. The *Student Record Access Log* of parties who seek or obtain access to the student record must be available upon the request of the parent(s)/guardian(s) or eligible student.

G. Student Record Access Log Entries are not Required for:

1. School officials and authorized personnel as noted in section 2D of this rule;
2. Parties for whom written consent of the parent(s)/guardian(s) or eligible student has been received;
3. A party seeking or receiving the records as directed by a Federal Grand Jury or other lawfully issued subpoena or order where the issuing agency has ordered that the existence or the content of the subpoena or the information furnished in response not be disclosed.

11. Review of Student Records

A. Review of student records by Baltimore County Public Schools' personnel or school staff shall occur when:

1. The student transfers to the next higher level, such as from elementary to middle school level or middle to high school level.
2. The student graduates from high school.
3. The student withdraws for any reason.

B. During the review, provided that there is no outstanding request to review the record, extraneous material or records that no longer serve a legitimate educational purpose should be removed and destroyed. Student records information should not be removed from the student record if the parent(s)/guardian(s) or eligible student has a request outstanding to review the record.

12. Retention of Student Records

A. Retention of student records complies with the most recent edition of the *Records Retention and Disposition Manual for Public School System of Maryland*. (See 12C for review of record retention.)

B. Individual student records not required or specifically regulated by other state or local regulations shall be destroyed when they no longer serve legitimate educational purposes. The following documents must be maintained as part of student record.

1. When there is an outstanding request to inspect and review them under COMAR 13A.08.02.13.
2. Explanations placed in the education record under COMAR 13A.08.02.15 shall be maintained as provided in COMAR 13A.08.02.15d.
3. The *Student Record Access Log* required under COMAR regulation 13A.08.02.20 shall be maintained for as long as the education record to which it pertains is maintained.

C. Records Retention Schedule for Records is Prescribed by the Maryland State Department of Education

The schedule is as follows:

SR1	Personal data	Permanent
SR2	Annual School Performance Data Summary, Grade Levels Prek-8	Student-Age 21
SR3	Annual Secondary School Performance Data Summary, Grade Levels 9-12	Permanent
SR4	Test information	Student-Age 21
SR5	Health screening, examinations and evaluations, immunizations records, and blood lead certificate	Student-Age 21
SR7	Maryland Student Transfer Record Discipline Records	Student-Age 21 graduation or completion of high school program or age 21
	Statewide Education Interview Form	1 year
	Student Record Access Log	6 years
	Attendance Card (maintained by homeroom teacher)	6 years
	Residency information	6 years
	Information Required for Students with Disabilities	
	Individualized Education Program (IEP)	Age 24
	Special Service Information Systems (SSIS)	6 years
	504 Plans	6 years
	Assessment reports	6 years
	IEP team meeting summary sheets and notes	6 years
	Medical assistance records	6 years

13. Transferring of Student Records

- A. Student records may be transferred within Baltimore County Public Schools upon request from the receiving school. No copies need to be retained by the sending school.. Student records are routinely sent to another Baltimore County public school for students who transfer as a result of promotion or boundary change.
- B. Records of students transferring for any other reason shall be retained until requested by the principal/designee of the receiving school. The sending school shall not forward records absent a request from the receiving school.
- C. When a student transfers to another public school in Maryland, send the original student records in their entirety including special education and discipline records. Keep 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. If a student transfers to a Baltimore County Public Schools' alternative school or evening high school, the sending school should keep the original student record and send copies of the alternative program's required forms which may include the following: (1) residency information, (2) immunizations, (3) emergency contact information, (4) transcripts, (5) test record, (6) health information, (7) special education, and (8) 504 records.
- D. When a Baltimore County Public School receives a request for student records from a non-Baltimore County public school, the Baltimore County public school principal/designee shall notify the parent(s)/guardian(s) or eligible student of such request by forwarding a letter to the last known address of the parent(s)/guardian(s) or eligible student.
- E. If a transfer request is initiated by the parent(s)/guardians or eligible student(s), only copies of the records may be given. The original records are never given to the parent(s)/guardian(s) or eligible student(s).
- F. Once a school has received a formal request for records from a school outside of Maryland or a Maryland non-public school, the sending school shall keep the original records. The sending school sends copies of the SR Card 1, SR Card 2, SR Card 3, SR Card 4, immunization data, special education information/records, and discipline records. An entry should be made in the *Student Record Access Log* indicating where the student

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records were transferred when sent to a school outside of Baltimore County Public Schools. Entry of the request on the *Student Record Access Log* should be done prior to making the final copy of the log.

- G. Psychological assessment reports are part of the student record and are forwarded to a receiving school upon receipt of a formal request for records. All other requests for Baltimore County Public Schools' psychological assessment reports to be released to third parties should be directed to the Coordinator of the Office of Psychological Services.
- H. Social history reports are part of the student record and are forwarded to a receiving school upon receipt of a formal request for records. All other requests for Baltimore County Public Schools' social history reports to be released to third parties should be directed to the Coordinator of the Office of Pupil Personnel Services.
- I. Records or reports of suspected child abuse or neglect are not considered to be part of the student record and may not be forwarded to any school.
- J. Records of a student's treatment for substance abuse or effort to obtain treatment for substance abuse are not considered to be part of the student record and may not be forwarded to any school unless the sending school has obtained written consent of the student, even if the student is a minor.
- K. The Baltimore County Public Schools' consent form, *Authorization to Obtain Protected Health Information*, must be used to obtain health information from an outside agency.

Rule

Superintendent of Schools

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**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, contact your school principal.