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 Record (SR) Card – A system for keeping written student records as mandated by the Maryland State Department of Education.

M. 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. Community Reportable 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, Maintenance and Disposal of Student Records

A. A student record shall be created for each student enrolled in BCPS.

B. Minimal content, retention, disposition and disposal of student records will be in accordance with the records retention schedule approved by the Maryland State Archives for Student Records (Schedule C1482, Student Records). This records retention schedule incorporates mandatory minimum retention periods for student records as required by state regulation, the Maryland State Department of Education’s *Maryland Student Records System Manual* and BCPS procedures.

C. No office may dispose of a record listed in this schedule prior to the expiration of its retention period. Each office must follow the records retention procedures for disposition and disposal.

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*.

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's student privacy policy officer 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 or eligible students will be notified with the student’s fourth quarter report card of the procedures for reviewing the student’s records.

E. Parents or eligible students will be notified annually of the procedures for verifying systemwide deletion of the student’s data and records.

V. Right to Review and Inspect Student Records

A. A parent has the right to inspect and review the student record.

B. A parent or eligible student who wishes to inspect the student’s education records should submit to the student’s school principal a written request that identifies, as precisely as possible, the specific record or records they wish 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 Education 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 student’s school principal that includes their name, complete mailing address and the specific student record(s) 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 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 student’s school principal, clearly
identify the part of the record they want changed and specify why it should be changed.

B. The principal will hold a conference with the parent concerning the request.

C. The principal will notify the parent, in writing, concerning their 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. Student Records Review and Annual Certification

A. 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.

B. Each principal shall certify annually in writing to the Superintendent the accuracy of the student data maintained in the student records at their school.

IX. Provision of Documents for Students Identified Under the Individuals with Disabilities Education Act (IDEA)

A. At least five (5) business days before a scheduled 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 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 their school principal of their 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, school system or post-secondary institution in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer; 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;
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. To the Secretary of Agriculture or authorized representatives of the food and nutrition service for purposes of conducting program monitoring, evaluations and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or The Child Nutrition Act of 1966, under certain conditions; or
h. 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 and office 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. Parents or the eligible student may opt out of having BCPS release the student’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 or eligible students 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 or eligible student has timely notified the
student’s school principal that the designated information about the student may not be 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 or eligible student may request that BCPS not release 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 the student’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 student’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 the privacy option after the deadline, the parent or eligible student must complete the Student Privacy Options (Rule 6202, Attachment) and submit the form to the student’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 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 the student’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 or eligible student may request that BCPS not release the student’s information by checking the appropriate boxes.

C. If a parent or eligible student does not have access to the Internet:
   1. The parent or eligible student may contact the student’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 student’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 or eligible student wishes to change the privacy option after the deadline, the parent or eligible student must complete the Student Privacy Options (Rule 6202, Attachment) and submit the form to the student’s school principal.

XIII. Transcripts/Diplomas

A. A maximum of three official transcripts may be issued by the student’s school principal. 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 Information System Management. After graduation or permanent withdrawal from school, a fee will be assessed in accordance with BCPS procedures outlined on the BCPS Website under Official Transcripts, Duplicate Diploma and Graduation Verification.

C. Requests for duplicate diplomas shall be referred to the Office of Student Information System Management. 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’s Maryland Student Records System Manual and BCPS procedures.

B. Transfer of Student Records to another BCPS School

1. Transfer to another BCPS School as a result of promotion or boundary change.
   a. The sending school must submit the original student records in their entirety to the receiving school and maintain a copy for the school’s files.

2. Transfer to a BCPS alternative placement.
   a. When a student transfers to a BCPS alternative placement, the sending school must submit copies of the following to the receiving school:
      (1) Residency information;
      (2) Immunizations;
      (3) Emergency contact information;
      (4) Transcripts;
      (5) Test record;
      (6) Health information;
      (7) Special education and 504 records.
   b. The sending school must maintain the original student records in their entirety.

C. Transfer to a Public School in Maryland

1. Student records will be forwarded to the new receiving school when an official request for records is received from the receiving school.
The request for records from the receiving school should be maintained with the student record as evidence of the transfer.

2. If a parent or eligible student comes into school to exit the student, the parent or eligible student should be given copies of the completed SR7, a current report card, credit information, SR4-Maryland State Graduation Requirements (if applicable) and current test results and immunization records. Original records are never given to the parent or eligible student.

3. When a student transfers to another public school in Maryland, the sending school must submit the following to the receiving school:
   a. All original student records in their entirety;
   b. Special education or early intervention records;
   c. Section 504 records;
   d. Discipline records; and
   e. Report cards.

4. The sending school shall maintain copies of the following:
   a. All SR cards;
   b. Health information;
   c. Current individualized education program (IEP) or individualized family service plan (IFSP);
   d. Most recent assessment reports; and
   e. Document of the disability for students with disabilities who has received or is receiving special education services.

5. Copies of student records for students who transfer to another public school in Maryland shall be maintained in accordance with the records retention schedule approved by the Maryland State Archives for Student Records (Schedule C1482, Student Records).

D. Transfer Outside of Maryland or to a Nonpublic School

1. Student records will be forwarded to the new receiving school when an official request for records is received. The request for records from the receiving school should be maintained with the student record as evidence of the transfer.

2. If a parent or eligible student comes into school to exit the student, the parent or eligible student should be given copies of the completed SR7, a current report card, credit information, SR4-Maryland State Graduation Requirements (if applicable) and current test results and immunization records. Original records are never given to the parent (or eligible student).
3. When a student transfers to an out-of-state or a nonpublic school, the sending school must submit copies of the following to the receiving school:
   a. A copy of the student record in its entirety;
   b. Special education or early intervention records;
   c. Discipline records; and
   d. Report cards.
4. The sending school must maintain the original student records in their entirety. The original student records for students who transfer to an out-of-state or a nonpublic school shall be maintained in accordance with the records retention schedule approved by the Maryland State Archives for Student Records (Schedule C1482, Student Records).
5. 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.
6. The school may charge a reasonable fee per page for copies of records requested under this paragraph.

E. Court Agencies

The BCPS court liaison for the Office of Pupil Personnel Services 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 Department of School Safety and the court liaison for the Office of Pupil Personnel Services for all law enforcement requests for student records.
2. The Department of School Safety and 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 Department of School Safety and 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
42 U.S.C. §§ 1751, et seq., National School Lunch Act (NSLA)
34 CFR 300.623, Safeguards
Annotated Code of Maryland, Education Article § 7-2101, et seq., Student Data Governance
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 2380, Records Information Management
Board of Education Policy 4008, Board Data Governance
Board of Education Policy 4104, Technology Acceptable Use Policy (TAUP) for Authorized Users
Board of Education Policy 5100, Compulsory Attendance
Board of Education Policy 5110, Admission
Board of Education Policy 5420, Health Services
Board of Education Policy 5600, Students’ Responsibilities and Rights
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 2373, Public Information Act Request
Superintendent’s Rule 2380, Records Retention
Superintendent’s Rule 4104, Technology Acceptable Use Policy (TAUP) for Authorized Users
RULE 5230

Superintendent’s Rule 5600, Students’ Responsibilities and Rights
Superintendent’s Rule 6202, Technology Acceptable Use Policy (TAUP) for Students

Other: BCPS Records Retention Schedule
Maryland Student Records System Manual, Maryland State Department of Education

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Superintendent of Schools