

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-20
Subject: STUDENT RECORDS	Issued: 6/1/81
Preparing Office: Office of the Superintendent	Amended: 1/10/19

I. Policy 421

Legal Reference:

- Code of Maryland Regulations (COMAR) 13A.08.02
- Family Educational Rights and Privacy Act (FERPA) 20 USC 1232G
- Maryland Student Records System Manual
- Board Policy 105 *Appeal and Hearing Procedures*

II. Procedures

A. Definitions

1. Directory Information

The student's name, participation in official recognized activities and sports, field of study, weight/height of members of athletic teams, honors/awards received, grade level, dates of attendance, teacher/class assignment, the current school attended by the student, playbill or other program showing student roles in drama or music productions; and photographic, video or electronic images.

2. Eligible Student

An eligible student is a student who has attained 18 years of age or is attending an institution of post-secondary education.

3. Parent

- a. The biological parent, legal guardian or person acting in the absence of the parent.
- b. Whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to the parents of the student, shall thereafter only be accorded to and required of the student, except that parents who claim the student as a dependent on their most recent income tax return as defined under §152 of the Internal Revenue Code of 1954, may have the right of access to the student's records and information contained therein.

4. Personally Identifiable Information (PII) - COMAR 13A.08.02.03.B(13)

“Personally identifiable” means that the data or information includes:

- a. The name of the student;
- b. The student’s parent, guardian or other family member;
- c. The address of the student;
- d. A personal identifier, such as the student’s Social Security number or student number;
- e. A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or
- f. Other information which would make it possible to identify the student with reasonable certainty.

NOTE: Any sharing of PII for instructional purposes must be in accordance with guidelines provided by the Department of Technology Infrastructure and in compliance with FCPS approved digital tool content platform.

5. School Officials

School officials are employees of Frederick County Public Schools (FCPS) who have a legitimate professional interest in student educational records, as determined by the school system.

School officials who have a legitimate professional interest as determined by FCPS, may include school resource officers, employees of public higher education institutions for the purpose of administering enrollment of students in accordance with provisions of the College and Career Readiness and College Completion Act of 2013 and appointed committees working on behalf of FCPS, physicians, public health nurses and supporting health center personnel (health room assistants and technicians) employed by the Frederick County Health Department in the execution of their regular school medical and health service responsibilities. School officials may also include contractors, consultants, vendors, volunteers or other parties to whom FCPS has contracted for institutional services or functions; however, the outside party must be under the direct control of FCPS with respect to the use and maintenance of education records, agree not to disclose the student information to third parties, and agree they will not use the information to create a product not identified for use by the school system and adhere to Board of Education Policy 442 and FCPS Regulation 400-96 *Student Data Privacy*.

6. Student

Any individual who is attending, or has attended, any school within the jurisdiction of the Board of Education of Frederick County and with respect to whom the Board maintains student records.

7. Student Records

- a. Those records, files, documents and other materials which contain information directly related to a student ¹ and are maintained by the Board of Education of Frederick County through its institutions of elementary and secondary education, or by a person acting for the Board.
- b. Student records do not include the personal notes or records made by instructional, supervisory, and administrative personnel, and educational personnel ancillary thereto, which remain in the sole possession of the maker and which are not accessible or revealed to any other individual.

B. Access to Records

1. The Board of Education of Frederick County, through its institutions of elementary and secondary education, shall provide parents or eligible students access to the student records.
2. Access rights of parents or eligible students shall consist of:
 - a. The right to inspect and review student records.
 - b. The right to obtain a copy of the student records at a reasonable charge.*

* Reasonable photocopying fees are established per FCPS Regulation 200-42
 - c. The right to a response from the educational institution or agency to reasonable requests for explanations and interpretations of the student records.
 - d. The right to a hearing to challenge the content of a student's education record.
 - e. The right to inspect and review. Note: If the material or document in the student record includes information on more than one student, only such information as it relates to their student may be reviewed.
 - f. The right to bring a lawyer or parent advocate during inspection and review of student records.
3. Procedure for gaining access to student records:
 - a. A parent or eligible student, seeking access to student records, may make a request in writing, by telephone, or in person of the custodian of the records.

¹ Information directly related to the identity of a student may also include information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty. (FERPA 34 CFR 99.3)

- b. Access to the student records requested shall be granted within a reasonable period of time, but in no case more than 45 days after the receipt of a *written request* by the custodian of the student records.

4. Rights of Parents

a. Rights of Noncustodial Parents

If the parents of a student are separated, divorced, or otherwise living apart, the local school system shall permit both the custodial and noncustodial parent to inspect and review the student records as required by law. If a noncustodial parent requests copies of student records that have been provided to the custodial parent, FCPS shall provide the noncustodial parent copies of the information unless such access has been severed by law and the school has legal documentation of that severance.

b. Rights of Parents of Eligible Students

Whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to the parents of the student, shall thereafter only be accorded to and required of the student, except that parents who claim the student as a dependent, as defined under §152 of the Internal Revenue Code of 1954, shall have the right of access to the student's records and information contained therein.

- c. FCPS may request a parent/guardian or eligible student to pay a reasonable fee for copying and mailing student record information as allowable by law.

C. Release of Records

- 1. FCPS shall not permit access to or release of student records or personally identifiable information, except directory information, without the written consent of the parents or the eligible student, or as identified as an exception below.
- 2. Student records may be released to other parties without the written consent of the parents of the student or the eligible student, if the disclosure is:
 - a. To other school officials of FCPS, who have legitimate educational interests.
 - b. To comply with a judicial order or lawfully issued subpoena if furnished in compliance with a judicial order if FCPS makes a reasonable effort to notify the parent or guardian of the student or eligible student in advance of compliance.
 - c. To officials of another school or school system in which the student seeks or intends to enroll.²
 - d. To authorized individuals or representatives of:

² Reportable offense information is not part of the education record and may be transmitted to another school system in Maryland, in accordance with FCPS Regulation 400-60.

- (1) The Comptroller General of the United States
 - (2) The Secretary of the Department of Health, Education and Welfare
 - (3) The commission, the Director of the National Institute of Education, or the Assistant Secretary for Education
 - (4) State educational authorities
 - e. In connection with a student's application for or receipt of financial aid.
 - f. To state and local officials or authorities to whom such information is specifically required to be recorded or disclosed.
 - g. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, provided that such studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted.
 - h. To accrediting organizations, in order to carry out their accrediting functions.
 - i. To parents of a dependent eligible student, as defined in §152 of the Internal Revenue Code of 1954. Parents desiring access to records under this provision shall furnish the educational institution with proof of the dependent status of the student. Such proof may be provided by a copy of the income tax record or a notarized affidavit attesting to the dependent status of the student.
 - j. 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 persons. Factors to be taken into account in determining whether records of a student may be released include:
 - (1) The seriousness of the threat to the health or safety of the student or other persons;
 - (2) The need for such records to meet the emergency;
 - (3) Whether the parties to whom such records are released are in a position to deal with the emergency; and
 - (4) The extent to which time is of the essence in dealing with the emergency.
3. Armed Forces Recruiter Access to Students and Student Recruiting Information
- a. Except as provided in paragraph (b), each local educational agency receiving assistance under the *No Child Left Behind Act* shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, address, and telephone listings.

- b. The school shall notify parents of the option to request that student names, addresses, and telephone listings not be released without parental consent.
4. Release of Directory Information or Military Requested Information
- a. Directory information may be made public without the consent of parents or eligible students.
 - b. Any parent or eligible student, who does not want the school to release directory information or information to military recruiters without the prior written consent of the parents or eligible student, must so notify the principal within 30 days after the advertisement of the categories of directory information. This notification by the parent must be submitted initially and annually to the school principal.

5. Dually Enrolled Students

Under the Family Educational Rights and Privacy Act (FERPA) 34 CFR Part 99.34(h), high school personnel and representatives of the post-secondary institution where a student is dually enrolled may share student information based on the legitimate educational needs of serving the student, without consent of the parents or the student. If the student is under the age of 18, the parent retains the right to inspect and review any education record maintained by the high school including records that the post-secondary institution disclosed to the high school.

D. Retention/Destruction of Student Records

Individual student records not required or specifically regulated by other state or local regulations shall be destroyed when they no longer serve legitimate education purposes, subject to the following exceptions:

- 1. The local education agency or educational institution may not destroy any student record if there is an outstanding request to inspect and review them.
- 2. Amendments made by the parent or eligible student that provide explanations to the student record shall be maintained for as long as the student record to which it pertains is maintained.
- 3. The record of access required under Maryland law shall be maintained for as long as the student record to which it pertains is maintained.
- 4. FCPS shall comply with the Records Retention Schedule for records prescribed by the Maryland State Department of Education as indicated in the following chart.

<i>RECORD TITLE OR DESCRIPTION</i>	<i>RETENTION PERIOD</i>
SR 1 Personal Data	Permanent*
SR 2 Annual School Performance Data Summary, Grade Levels Pk-8	Student Age 21
SR 3 Annual Secondary School Performance Data Summary, Grade Levels 9-12	Permanent*
SR 3A Supplemental	Student Age 21
SR 3B High School Assessment Performance Summary	Student Age 21
SR 4 Test Information	Student Age 21
SR 5 Health Screening, Examinations and Evaluations, Immunizations, and Blood Lead Certificate	Student Age 21
SR 7 Maryland Student Transfer Record	3 years
Discipline Records	Graduation or Completion of High School Program or Age 21
Statewide Educational Interview Form	1 year
Information Required for Students with Disabilities:	
- Individualized Educational Programs (IEP)	6 years
- Special Service Information Systems (SSIS) Form	6 years
- Assessment Reports	6 years
- IEP Team Meeting Summary Sheets and Notes	6 years
- Medical Assistance Records	6 years
*Transfer periodically to the State Archives	

E. Procedures to Request Amendment of Student Records

1. If a parent believes the content of a student record is inaccurate, the school principal shall furnish the parent an opportunity to challenge the content of their child's school records.
2. If the principal determines that the record is not correct, the principal will make the necessary changes in the record and the parent will be notified of the amendment to the record.
3. If the school principal decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parent shall be informed of the right to place in the student record, a statement commenting upon the information in the student record and/or setting forth any reasons for disagreeing with the decision of the school principal.
4. If the parent is not satisfied with the principal's response, the parent may make a written appeal to the deputy superintendent.
5. Requests for name and/or gender changes on official school records shall be honored if the parent/legal guardian submits:
 - a. A new amended birth certificate with name and gender change;
 - b. A court order changing the student's name; or
 - c. A statement signed, under penalty of perjury, by a healthcare practitioner who treated or evaluated the student for gender identity issues, requesting name and/or gender change be made on the "official school record" and explaining the health-related reasons for the request.

Notification of the change must be communicated to the Unique Student Identification Specialist in the Division of Curriculum, Assessment, and Accountability at MSDE.

NOTE: Changing an official student record under option “c” does not involve a court order or court action and is applicable for FCPS and MSDE student record purposes only. Other agencies (i.e. state, federal, college institutions) may still require a court order to recognize an official name change.

F. Transfer of Educational Records for Children in State-Supervised Care

1. Prior to or concurrent with the placement or modification of a placement of a child in state-supervised care, a placement agency responsible for the child in state-supervised care or the placement agency’s designee shall provide notice to a receiving school regarding the enrollment or imminent enrollment of the child in state-supervised care.
2. Within two (2) school days after receiving the notice set forth above, a receiving school shall:
 - a. Inform the sending school of the enrollment or imminent enrollment of the child in state-supervised care;
 - b. Request, in writing, the educational records of the child in state-supervised care from the sending school; and
 - c. Provide a copy of the request to the child in state supervised care or the responsible adult acting on behalf of the child in state-supervised care.
3. The sending school shall:
 - a. Immediately inform the receiving school orally of the grade level in which the child in state-supervised care was last enrolled;
 - b. Immediately inform the receiving school orally of the status of the child in state-supervised care under the 504 Rehabilitation Act or under the Individuals with Disabilities Education Act; and
 - c. Within three (3) school days following receipt of notice from the receiving school, a sending school shall send by regular first-class mail or transmit electronically to the receiving school a copy of:
 - (1) A completed student withdrawal or transfer record of a child in state-supervised care;
 - (2) The academic records of a child in state-supervised care;
 - (3) The discipline records of a child in state-supervised care;
 - (4) The immunization records of a child in state-supervised care; and
 - (5) If applicable, the most recent individualized education program or section 504 plan and the most recent assessment of a child in state-supervised care;
 - (6) A placement agency or school employee may hand carry the documents listed above from a sending school to a receiving school.

G. Dispute Resolution

Requests for dispute resolution regarding the process as outlined in Section F. above may be filed in writing with the director of student services within five (5) school days. During the dispute resolution process, the child in state-supervised care shall remain enrolled in the receiving school. The receiving school shall provide appropriate educational services, including the implementation of an existing individualized education program, for a child in state-supervised care who is subject of a dispute. The dispute resolution process shall be completed within twenty (20) school days after receiving a request for dispute resolution.

Approved

Original signed by

Theresa R. Alban
Superintendent