

BOARD OF EDUCATION
POLICY 9050
STUDENT RECORDS AND
CONFIDENTIALITY

Effective: January 23, 2007

I. Policy Statement

The Board of Education of Howard County recognizes the value of parental involvement in all facets of their child's schooling and encourages parents to inspect and review their child's records on a regular basis, especially as their child progresses from one grade level to the next. The Board also recognizes the right of students and their parents to have full access to individual student records and the right of parents and eligible students to have any information which is determined to be inaccurate or misleading removed from those records upon request. The Howard County Public School System recognizes its responsibility to maintain accurate student records and student information, to protect the confidentiality and privacy of these records, and to secure student records and information except where State and Federal legislation provides for disclosure.

II. Purpose

The purpose of this policy is to establish standards and procedures for maintenance of confidentiality, disclosure of information, and security of the educational documents and other information in accordance with federal and state law and regulations; in particular, this policy assures compliance with the Federal Education Rights and Privacy Act (FERPA).

III. Definitions

- A. Confidential – For purposes of this policy, information that is private, not intended to be shared with others unless they have a legitimate educational interest.
- B. Confidentiality – For purposes of this policy, the obligation of a school system official not to disclose or transmit information to unauthorized parties.
- C. Disclosure – The act of permitting access to, or the release, transfer, or other communication of, student records or the personally identifiable information contained therein, orally, in writing, or by electronic means, or by any other means to any party.
- D. Eligible Student – A student who is 18 years old or older or is attending an institution of postsecondary education.

- E. Gradebooks – Teacher records of student grades, whether in physical (book or printout) or electronic format.
- F. Legitimate Educational Interest – A school official has legitimate educational interest in a student record if the official needs to review the record in order to conduct his or her professional responsibilities.
- G. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
 - 1. Biological parent – A natural parent whose parental rights have not been terminated.
 - 2. Adoptive parent – A person who has legally adopted the student and whose parental rights have not be terminated.
 - 3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and privileges.
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges.
 - 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian.
 - 6. Foster parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement as provided by section 5-507 of the Family Law Article.
- H. Personally Identifiable Information – Any data or information that makes the subject of a record known, such as the student's name, the student's, parent's, or other family member's name, the student's address, the student's social security number, a student number, or a list of personal characteristics.
- I. School Official – A person employed by the Howard County Public School System (HCPSS); a person serving on the school board; or a person or company with whom the HCPSS has contracted to perform a special task (such as an attorney, auditor, school resource officer, medical consultant, therapist or a Howard County Health Department substance abuse counselor).
- J. Student Record – Records directly related to a student and maintained by the HCPSS.

IV. Standards

- A. Governance
All staff members shall adhere to federal and state laws as well as policies, procedures, and guidelines for student records and confidentiality established by the HCPSS.

- B. **Annual Notification of Rights**
The HCPSS will notify parents and students annually of the rights of parents and eligible students regarding the inspection, review, amendment, and disclosure of student records as well as the right to file complaints related to these rights with the U.S. Department of Education.
- C. **Records Management**
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 and HCPSS procedures.
- D. **Confidentiality of Student Records**
Student records maintained by teachers and other school personnel are confidential by law. Access to such records may be granted only for the purpose of serving legitimate educational interest or as specifically permitted under FERPA.
- E. **Disclosure of Student Information**
When there is a risk to the student or others, information shared in confidence by students to staff will be divulged to principals, to others who by their training or licensure are able to provide immediate appropriate assistance, and to parents except as outlined in Policy 1030, Child Abuse and Neglect.

V. Compliance

- A. The Superintendent/designee is responsible for monitoring standards and procedures related to the confidentiality of student records as set forth in state law and policy.
- B. The Superintendent/designee is responsible for informing students, staff and parents annually of the general provisions of this policy.
- C. Principals are responsible for protecting the confidentiality of all active or inactive student records stored in their schools.
- D. Principals are responsible for reviewing with staff the standards and procedures related to the confidentiality and disclosure of student records.
- E. Principals shall certify annually the accuracy of student data maintained in student records in their schools as mandated by the Maryland State Department of Education and the school system.

- F. Principals are responsible for assigning and overseeing personnel to monitor the maintenance, review, updating, retention, and destruction of student records in their schools.
- G. Principals are responsible for securing archived gradebooks in their schools until eligible for destruction in accordance with this policy and procedures.
- H. Each employee is responsible for maintaining the confidentiality of student records.
- I. Each employee is responsible for divulging information shared by students in accordance with this policy when there is a risk to the student or others.
- J. The Office of Student Services is responsible for annual training and updating designated school personnel on procedures related to the confidentiality of student records.

VI. Delegation of Authority

The Superintendent is authorized to establish administrative procedures to implement this policy.

VII. References

A. Legal

The Regulations of the U.S. Department of Health, Education, and Welfare; Title 34 C.F.R., Public Welfare, Part 99 (Privacy Rights of Parents and Students) Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq.
The Annotated Code of Maryland, Education Article, §7-303 (Reportable Offenses)
The Annotated Code of Maryland, State Government Article, §10-616(k) (Inspection of Student Records)
COMAR 13A.05.01, Programs for Students with Disabilities
COMAR 13A.08.01.17, School Use of Reportable Offenses
COMAR 13A.08.02, Individual Student Records

B. Other Board Policies

Policy 1020	Sexual Harassment
Policy 1030	Child Abuse and Neglect
Policy 3030	Research Involving Employees and Students
Policy 5120	Prevention and Control of Communicable Diseases
Policy 8010	Grading and Reporting: Pre-Kindergarten Through Grade 8

Policy 8020	Grading and Reporting: High School
Policy 8080	Acceptable Use of Computer Technology
Policy 8120	Testing: State and Local Responsibilities and Protocols
Policy 9000	Enrollment, Residency, Student Assignment, and Admission to Pre- K and K
Policy 9010	Attendance
Policy 9020	Students' Rights and Responsibilities
Policy 9200	Discipline
Policy 9230	Alcohol, Other Drugs, Prescription Medication and Over the Counter Products

ADOPTED: April 29, 1975

AMENDED: October 25, 1990

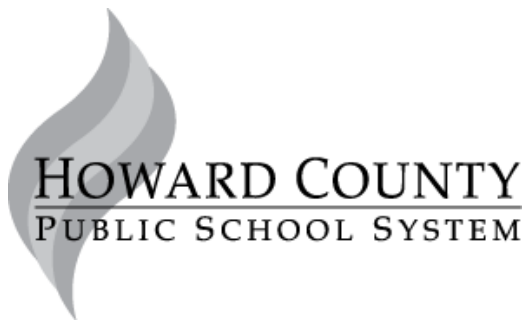
November 9, 1995

May 21, 1998

June 25, 1998

December 14, 2006

EFFECTIVE: January 23, 2007



POLICY 9050-PR
IMPLEMENTATION PROCEDURES
STUDENT RECORDS AND
CONFIDENTIALITY

Effective: July 14, 2011

Within the context of these implementation procedures, the following definitions apply:

I. Definitions

- A. Confidential File – A file stored in a school-based administrator’s office and clearly marked “confidential.”
- B. Directory Information – Information contained in a student record which would not generally be considered harmful or an invasion of privacy if disclosed. Based on categories designated by the federal government, the HCPSS has designated the following student data as directory information:
 - 1. Name
 - 2. Address
 - 3. Telephone listing
 - 4. Date of birth
 - 5. Grade level
 - 6. Major field of study
 - 7. Participation in officially recognized activities and sports
 - 8. Weight and height of members of athletic teams
 - 9. Dates of attendance
 - 10. Degrees and awards received
 - 11. Most recent previous educational agency or institution attended.
- C. Discipline Records – Information which supports or verifies the in-school or out-of-school suspension or expulsion of a student. Discipline records also include any other information regarding disciplinary actions other than suspensions or expulsions taken to correct the student’s behavior as well as information describing the student’s behavior that resulted in such actions.
- D. Emancipated Student – A student who meets one or more of the following conditions:
 - 1. The student is married
 - 2. The student is under age 18 and has been declared emancipated by the courts
 - 3. The student is age 18 or older and is living independently of the student's parents.

- E. School-related Information Provided to a Custodial Parent – Documents which are regularly provided to the custodial parent at school meetings, by mail, or by sending home with the 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 those student records which are provided to the custodial parent such as report cards, disciplinary notices, and special education notices.

II. Rights Under the Family Educational Rights and Privacy Act (FERPA)

A. Rights of Parents

Parents have the following rights under FERPA:

1. The right to inspect, review, and receive a copy of the student's educational records within 45 days of the day the school receives a request for access
2. The right to request the amendment of the student's education records that the parent believes are inaccurate or misleading
3. The right to consent to disclosures of personally identifiable information contained in the student's education 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.

B. Rights of Students Over the Age of 18 Years of Age (Eligible Students)

All rights and protections given parents under this policy transfer to the student when the student reaches age 18 or enrolls in a postsecondary institution. The rights accorded to and the consent required of the parent shall, thereafter, only be accorded to and required of the eligible student. Exceptions: If an eligible student is a dependent for tax purposes, a school may disclose information from the eligible student's education records to the parents of the student without the student's consent. Also, if a student is under 18 and has dual enrollment in a secondary school and postsecondary institution, the parents retain FERPA rights at the secondary school and may have access to educational records that the postsecondary institution shares with the secondary school.

C. Rights of Emancipated Students

Emancipated students have the same rights as parents under FERPA.

D. Rights of Noncustodial Parents

1. When the parents of a student are separated, divorced or living apart, the school system must permit both the custodial and noncustodial parent to inspect, review, and obtain copies of the student records unless the custodial parent provides the school system with a copy of a court order or other legally binding instrument, such as a separation agreement, or the relevant parts of the document, which provides that the noncustodial parent may not have access to the student's records or other school-related information. The school may assume both parents have FERPA rights unless provided with legal documentation to the contrary.
2. If a noncustodial parent requests to be provided copies of school-related information provided to the custodial parent, the school system must provide the noncustodial parent copies of the information except as provided under D.1 above. The school system may require a noncustodial parent who requests such copies to pay a reasonable fee for copying and mailing the documents. The school may charge such fees at the beginning of the year, or require a signed agreement to reimburse costs at the end of the year. Fees may be waived if the noncustodial parent files a notarized statement that the parent is unable to pay the fees.

E. Additional Rights of Parents of Children with Disabilities

Children with disabilities and their parents have rights with respect to the collection of information for school records, and access to and disclosure of such information as provided in FERPA and the Individuals with Disabilities Education Act (IDEA)(20 U.S.C. §§1400 et seq.), if the student is eligible for special education services. IDEA's additional protections include the requirement that the school system inform parents when personally identifiable information is no longer needed to provide educational services to the child and destroy records at the request of the parents.

F. Rights of Surrogates

When a surrogate is appointed for a student in accordance with Educational Article 8-412, and the parental rights of the natural parents are terminated by judicial order, rights under FERPA are accorded to the surrogate parent and terminated for the natural parent.

III. Annual Notification

The school system will annually publish a notice to parents of their rights under this policy. The school system will send notice of these rights home with each student. Where

possible, the school system will arrange to provide translations of this notice to non-English speaking parents in their native language. The notice must include the following:

- A. The right to inspect and review the student's education records
- B. The right to seek to correct parts of the student's education record which he or she believes to be inaccurate, misleading, or in violation of student rights
- C. The right to a hearing to present evidence that the record should be changed if the school system decides not to alter it according to the parent's request
- D. The right to place a clarifying statement in the record if the challenged information is not removed or amended
- E. The right to file a complaint with the U.S. Department of Education if the school system appears to violate this policy
- F. The procedure to follow to obtain copies of this policy and the locations where copies may be obtained
- G. The intent of the school system to limit the disclosure of information contained in a student's education records except:
 - 1. By the prior written consent of the parent or eligible student
 - 2. As directory information
 - 3. Under certain limited circumstances, permitted by federal and state bylaw.
- H. The right to restrict the release of directory information about their child by the school system (See Section IX.A)
- I. The right of noncustodial parents to be provided copies of school-related information provided to custodial parents.

IV. Student Records

Minimal content of student records shall be as prescribed in the Maryland Student Records System Manual and its subsequent revisions, and any other State Department of Education regulations pertaining to student records.

- A. Student records include:
 - 1. Any information directly related to an individual student and all copies regardless of where the various parts of the record are stored and the physical format they are in (unless otherwise specified). The student record includes

personal identification data, family and descriptive social information, records of subject performance, attendance, discipline records, other disciplinary information, test scores, health records, health room logs, and electronic mail maintained by the HCPSS containing student information. The record may also include such items as legal proceedings, psychological and other clinical evaluations or any other individualized evaluations, agency reports, notes of permission, and special education records (including minutes of Individualized Educational Program (IEP) meetings). The record may include paper, correspondence, reports, forms, photographs, photostats, film, microfilm, electronic recordings (such as sound recordings or computerized data), and other documents. Exceptions are outlined in IV.B.

2. Those materials relating to a past or present student that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, for diagnostic purposes, when that individual is acting in a professional or paraprofessional capacity for the HCPSS.
3. Data kept by the third party billing office for purposes of seeking reimbursement from the Maryland Medical Assistance Program or other health insurance for health-related services provided to students by HCPSS staff.

B. Student records do not include:

1. Personal notes kept by instructional, supervisory, administrative, or educational personnel that meet the following criteria:
 - a. The personal note was made and intended solely as an extension of personal memory,
 - b. The personal note is in the sole possession of the maker thereof, and
 - c. Information contained in the personal note has never been revealed or made available to any other person except the maker's temporary substitute.

(Note: Such personal notes are not to be placed in the official records of the student. If personal notes are placed in the student's official record or made available to others, they become part of the student record.)

2. Reportable offense records
3. Employment records which are used only in relation to a student's employment by the school system. Employment for this purpose does not include activities for which a student received a grade or credit in a course.

4. Alumni records, which relate to the student after that student no longer attends classes provided by the school system and the records do not relate to the person as a student
5. Child abuse reports maintained at the school in the administrator's confidential file and at the central office
6. Reports of Gang-Related activity
7. Maryland Student Assistance Program records
8. Bullying, Harassment, or Intimidation Reporting Form.

V. Right to Review and Inspect Student Records

- A. A parent or eligible student shall be given the opportunity to inspect and review student records. Each school shall provide parents requesting to review/inspect records a list of the types and locations of education records collected, maintained, or used regarding the student.
- B. The principal/designee 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 has been received.
- C. A parent or eligible student should submit to the student's principal a written request that identifies, as precisely as possible, the record or records he or she wishes to inspect. The principal/designee 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. If, for any valid reason such as working hours, distance between record location sites, or health, a parent cannot personally inspect and review a student's education record, the school will arrange for the parent or eligible student to obtain copies of the record.
- E. Care should be taken to ensure that personally identifiable information about other students is not revealed.
- F. The HCPSS shall respond to reasonable requests for explanation and interpretation of student records. When psychological data is part of the record to be reviewed, a school psychologist from the Howard County Office of Psychological Services should be available for interpretation.

VI. Hearing Procedures to Amend Student Records

- A. A parent or eligible student who believes that information contained in the student record is inaccurate or misleading or violates the privacy rights of the student, may request that the system amend them. Note that these procedures do not address requests to change a grade unless it is inaccurately recorded; procedures for grade changes are addressed in Policy 8020, Grading and Reporting: High School.
- B. Requests for amending student records should be initiated at the school level through a written request signed by the parent or eligible student and submitted to the principal. The request must include the information that appears to be incorrect and data supporting the request.
- C. The principal will review the request and respond in writing within 14 days of the receipt of the request. The review may include a meeting with the parent as deemed appropriate by the principal. When data is in question, the originator of the data or a person in a similar position should be consulted. If a psychological record is questioned, the principal will contact the Director of Student Services. The written response will inform the requester that necessary changes to the record have been made, or inform the requester that no changes were considered necessary. In the latter instance, the response must inform the requester of the right to either appeal to the appropriate Administrative Director or to place a statement in the record in accordance with section G below.
- D. A parent or eligible student may appeal the principal's decision to the appropriate Administrative Director. The appeal should include the initial request and the principal's written response.
- E. The Administrative Director will review the appeal and respond in writing within 21 days of receipt of the request. The written response will inform the requester that the principal has been directed to make the necessary changes to the record, or inform the requester that no changes were considered necessary. In the latter instance, the response must inform the requester of the right to either have a hearing with the Assistant Superintendent of School Administration or to place a statement in the record in accordance with section G below.
- F. If the parent or eligible student requests a hearing, it will be held within 21 days of the request. Within five days after the hearing, the Assistant Superintendent will notify the parent in writing of the results. The written response will either include the information that necessary changes to the record have been made, or information concerning the right to place a statement in the record in accordance with section G below. There is no appeal of the decision of the Assistant Superintendent.

- G. When there is a determination by staff that the student record not be amended as requested, the parent or eligible student has the right to place in the student record a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision of staff. This statement must be kept in the student record as long as the contested portion of the records are maintained by the system. If the student record, or the contested portion thereof, is disclosed by the school system to any party, the explanation shall also be disclosed to that party.

VII. Waivers

- A. An individual who is an applicant for admission to an institution of post-secondary education or employment may waive his or her right to inspect and review confidential letters and confidential statements of recommendation respecting admission to an educational institution, application for employment, or receipt of an honor or honorary recognition. Such waivers may apply to confidential letters and statements only if:
1. The applicant is, upon request, notified of the names of all individuals providing the letters or statements;
 2. The letters or statements are used only for the purpose for which they were originally intended;
 3. This waiver is not required by the agency or institution as a condition of admission, employment, or granting of an honor or receipt of any other service or benefit from the agency or institution; and
 4. The waiver is executed by the individual, regardless of age, rather than by the parent of the individual.
- B. A waiver as described above may be revoked with respect to future actions.
1. The revocation must be in writing.
 2. If a parent of a student executes a waiver under this section, that waiver may be revoked by the student at any time after he or she becomes an eligible student.

VIII. Records Management

A. Maintenance

1. All student records shall be stored securely and accessible only to school officials. Records in physical format shall be stored in a secure location that can be locked in the administrative or counseling suite. When records are maintained electronically, they should be secured in the same manner as if they were printed material (e.g., files should be password protected; media should be locked in a secure cabinet when not in use, only necessary copies should be made and then also maintained in a secure manner).
2. Health records of currently enrolled students shall be stored in the health suite.
3. Child abuse records shall be stored as outlined in Policy 1030.
4. Threat assessment reports shall be maintained in the administrator's confidential file.
5. Suicide Contact Reports shall be maintained in the administrator's confidential file.
6. Bullying, Harassment, or Intimidation Reporting Forms will be maintained in the administrator's confidential file.
7. Reports of Gang-Related activity will be maintained in the administrator's confidential file.
8. Maryland Student Assistance Program records will be maintained in the administrator's confidential file.
9. Third party billing records shall be stored in the Department of Special Education.
10. Current teacher gradebooks are to be maintained in a secure manner by teachers. Archived gradebooks are to be maintained in a secure manner by principals.
11. Psychological records will be maintained as follows:
 - a. School psychological records are systematically reviewed, and when necessary purged, in keeping with relevant laws in order to protect children from decisions based on outdated information. When a new

psychological report is generated regarding a student, the previous report(s) will be sent to the Office of Psychological Services and so noted (on the test card). Significant information from reports will be interpreted in the current report to avoid use of outdated information.

- b. Access to psychological records is restricted to those permitted by law who have (current) legitimate educational interest.
 - c. A copy of the report of psychological assessment and/or psychological services will be sent to the school for placement in the school record. Psychological Services in the Office of Student Services will maintain the original report in a confidential file. When school psychologists assigned to the County Diagnostic Center complete psychological evaluations, a copy of the evaluation report will be sent to the school, and the original will be maintained in confidential files at the County Diagnostic Center. The Office of Psychological Services will maintain a record of all psychological evaluations completed.
12. Student records of former students may be stored in a central archive under the supervision of the Superintendent's designee.
13. Schools are required to keep a log of who has requested or received access to student records to document compliance with FERPA. (See Section IX.C of these procedures.)
14. When student records are sent or received in physical or electronic form, confidentiality must be protected by both the sender and the receiver of the information in order to prevent the unauthorized release of personally identifiable information.
15. Information that no longer serves a legitimate educational interest is handled in accordance with the current Maryland Student Records Systems Manual, or its subsequent revisions.

B. Transfer of Records

- 1. A Maryland Student Exit Transfer Record Card (SR 7 Card) will be provided to the parent of the student at the time of transfer or withdrawal if the parent is present. If the parent is not present, the card must be faxed, sent electronically, or mailed to the sending school immediately. Transfer of records for homeless students do not require a written request.
- 2. Students who are in state-supervised care, including those in foster care, residential child care programs, or treatment facilities, have certain rights with regard to the transfer of records under COMAR 13A.08.07. These rights include strict timelines regarding the prompt transfer of records and dispute

resolution guidelines. Employees are responsible for adhering to these regulations. Specific guidelines will be published in the HCPSS records manual.

3. Limits on Transfer of Records

- a. Records are transferred according to the guidelines in The Maryland Student Records System Manual except as noted below.
- b. When the student records include psychological or psychiatric evaluations, the psychological and/or psychiatric record should be returned to the Office of Psychological Services with a copy of the written request for dissemination in order to ensure compliance with laws regulating disclosure and notification. The sending school should note on the appropriate form in the student folder that a psychological evaluation is available from the Office of Psychological Services when the file is forwarded to the receiving district/institution. The report will then be sent from the Office of Psychological Services to the requesting school.
- c. In accordance with Policy 1030, Child Abuse and Neglect, child abuse records do not transfer with the student.
- d. Threat assessment reports do not transfer with the student.
- e. Suicide Contact Reports do not transfer with the student.
- f. Safe Schools Act bullying data does not transfer with the student.
- g. Reports of Gang-Related activity do not transfer with the student.
- h. Maryland Student Assistance Program records do not transfer with the student.
- i. Transcripts, confidential letters, statements, and other records by school personnel, shall be mailed to post-secondary institutions and/or employers upon parental or eligible student consent.

4. Transfer of records cannot be denied because of debts incurred.

C. Reviewing and Updating Records

1. To ensure that student records are relevant and accurate, a review of student records shall occur at least under the following conditions:
 - a. When a student transfers to the next higher organizational unit, such as from elementary to middle school level;
 - b. When a student graduates from high school; and
 - c. When a student withdraws for any other reason.

2. Changes in identifying information, results of individual and group standardized tests, and health data shall be made within a reasonable time after these changes occur during the school year.

D. Retention and Destruction of Records

1. The retention schedule for student records is listed in the current edition of the Records Retention and Disposition Manual for Public School Systems of Maryland, and subsequent editions.
2. Psychological reports shall be returned to psychological services when that data is no longer educationally useful, or is more than six years old. (It shall be noted in the student record that a psychological report, dated _____, was returned to the Office of Psychological Services on _____.) Such records will be destroyed five years after the student graduates from secondary school, completes a program adopted by the Board of Education, leaves school, or, for a student identified as in need of special education services, reaches the age of 21. Parents and eligible students will be notified of intent to destroy when that time arrives.
3. Records that identify a student as eligible for special education and related services and which document the services received will be retained for six (6) years from the termination of services. When a parent requests that records be destroyed, this standard must be maintained. Records to be kept include IEPs and IEP Team minutes containing:
 - a. Identification of assessments and evaluations performed (but not detailed assessments themselves) and
 - b. Formal decisions of the IEP Team documenting:
 - i. The student's disability
 - ii. The multidisciplinary nature of the committee, and
 - iii. Parental involvement.
4. Child abuse and neglect records shall be retained in accordance with Policy 1030.
5. If the student has been eligible for medical assistance and billing has occurred for services, documentation must be maintained as listed below for six (6) years (the current school year and the five previous school years) to document the student's eligibility for medical assistance, eligibility for the services provided, and notes/logs documenting the services provided. When a parent requests that records be destroyed, this standard must be maintained. Records to be kept include: IEPs documenting services; IEP Team Meeting

notes containing documentation of the need for services which are eligible for medical assistance reimbursement; all documentation of services provided (logs, etc.); ongoing service coordination notes demonstrating eligibility for medical assistance reimbursement; and all applications for medical assistance reimbursement.

6. Discipline records must be maintained until the student graduates or completes his/her education program or the student becomes 21 years of age.
7. Gang-Related reports will be maintained until the student permanently leaves school, or turns 22, whichever occurs first. If the allegation is unsubstantiated, the record will be destroyed immediately.
8. Archived teacher gradebooks will be maintained for three (3) years.
9. 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, subject to the following exceptions:
 - a. Schools may not destroy any student record if there is an outstanding request to inspect and review them under COMAR 13A.08.02.13.
 - b. Explanations placed in the education record under COMAR 13A.08.02.15 shall be maintained as provided in COMAR 13A.08.02.15D.
 - c. The record of access required under COMAR 13A.08.02.20 shall be maintained for as long as the educational record to which it pertains is maintained.

E. Fees for Copies of Student Records

The school system reserves the right to charge a fee for copies of student records which are made for the parent or transcripts it forwards to potential employers or post-secondary education institutions. Waivers may be granted in cases of hardship.

IX. Confidentiality of Records

A. Disclosure of Directory Information

1. Directory information may be disclosed without the consent of the parent under limited circumstances.

2. In accordance with the State Government Article §10-616(k) of the Annotated Code of Maryland, student phone numbers and home addresses may be released without parental consent only to:
 - a. An organization of parents, teachers, students, or former students, or any combination of those groups, of the school;
 - b. A person engaged by a school or Board of Education to confirm a home address or home phone number;
 - c. An organization or force of the military;
 - d. A representative of a community college in the state; or
 - e. The Maryland Higher Education Commission.
3. All requests for student addresses and/or phone numbers must be made in writing to and are subject to the approval of the Superintendent/designee.
4. The Public Information Office will ensure that parents are notified annually of:
 - a. Their right to request that any or all of the above categories designated as directory information as they relate to their child/children not be released by the school system
 - b. The process for notifying the school system with such a request and the associated deadline
 - c. The requirement to notify the system annually if they wish to continue the restriction on the release of directory information related to their child/children.
5. Detailed directory information beyond what is specified in these procedures will not be published. Directory information cannot be combined with other confidential student information and made public without prior parent permission. For example, a team roster is considered to be directory information, but student eligibility for team participation is not directory information since it provides, by direct inference, a student's academic status that is not directory information.

B. Disclosure of Information with Parental Consent

1. The written consent of the parent or eligible student shall be secured before any school personnel discloses personally identifiable information from any student's educational records, except as provided elsewhere in these procedures. Such consent must include the following:

- a. Specifications of the records to be disclosed
 - b. Purpose of the disclosure
 - c. Person(s) to whom disclosure will be made.
2. The parent or eligible student shall be notified by the principal/designee of the disclosure request, and must certify to the principal his/her consent in writing. A copy of the disclosed record shall be provided to the parent or eligible student upon request (when consent for disclosure is required), and to the student who is not eligible upon request by the student's parent.
3. Consent for disclosure of a psychological or psychiatric report should be sent to the Psychological Services Facilitator so that the information can be released and a record of such disclosure can be maintained.

C. Record of Disclosure

1. The Principal/designee shall keep a record of each request for disclosure, and each disclosure of personally identifiable information from student records, showing:
 - a. Persons who have requested and/or obtained such information
 - b. The legitimate interest such persons have in requesting, or obtaining, this information.
2. The above requirement does not apply to directory information.
3. The record of disclosures may be inspected:
 - a. By the parent of the student or the eligible student
 - b. By the school official, and his/her assistants, who are responsible for the custody of the records
 - c. By authorized parties for purposes of auditing record keeping procedures.

D. Disclosure of Information Without Parental Consent

The Principal/designee may disclose personally identifiable information from the educational records of a student, without the consent of the parent or eligible student, if the disclosure is:

1. To other school officials within the HCPSS who have been determined by the system to have a legitimate educational interest. Volunteers typically lack a sufficient interest to justify access to student records. If a volunteer does have an interest which justifies access, the school should only provide information

that is critical for the accomplishment of the volunteer duties. The principal/designee must train volunteers on issues of confidentiality.

2. To officials of other schools, or school systems, in which the student seeks to enroll
3. To the following authorized representatives in connection with the audit and evaluation of federally supported education programs:
 - a. The Comptroller General of the United States
 - b. The Secretary of the U.S. Department of Education
 - c. The Director of the National Institute of Education or the Assistant Secretary of Education
 - d. State Department of Education personnel
4. In connection with financial aid for which a student has applied, or which a student has received, provided that personally identifiable information from the educational records of the student may be disclosed only as may be necessary for such purposes as:
 - a. To determine the eligibility of the student for financial aid
 - b. To determine the amount of financial aid
 - c. To determine the conditions which will be imposed regarding the financial aid
 - d. To enforce the terms, or conditions, of the financial aid.
5. To State and local officials, or authorities, to whom information is specifically required by state statute to be reported or disclosed
6. To organizations conducting research studies as authorized by the Board under Policy 3030, Research Involving Employees and Students
7. To accrediting organizations in order to carry out their accrediting functions
8. To parents of dependent students as defined in section 152 of the Internal Revenue Code of 1954
9. To comply with a judicial order or lawfully issued subpoena. When served with a judicial order or subpoena for student records, employees must first notify an administrator and make a reasonable effort to notify the parent in advance of compliance.

10. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual, subject to:
 - a. The seriousness of the threat to the health or safety of the student or other persons
 - b. The need for such records to meet the emergency
 - c. Whether the persons to whom such records are released are in a position to deal with the emergency
 - d. The extent to which time is of the essence in dealing with the emergency.

This section of the policy shall not be construed to require disclosure of any personally identifiable information from the educational records of a student to any of the agents listed above.

E. Redisclosure of Information

Disclosure of certain information is limited to the intended parties and for the intended purposes, and redisclosure of this information is limited or not permitted as follows:

1. Third party psychological and psychiatric records may not be redisclosed and must be destroyed after relevant information is used.
2. Reportable offense records may not be redisclosed by subpoena or otherwise except by order of a juvenile court or other court upon good cause shown, or as provided by the reportable offense law. The reportable offense law, however, permits the local superintendent to transmit the information received from the law enforcement agency and the State's Attorney regarding the reportable offense as a confidential file to the local superintendent of another public school system in the State in which the student has been enrolled or transferred.
3. Information released by public agencies may not be redisclosed even if the school is in receipt of a Consent to Release Information form from the parent or eligible student.

F. Social Security Numbers

Neither the Maryland State Department of Education (MSDE) nor the HCPSS may make any right or privilege of public education contingent upon the disclosure of a student's social security number. Disclosure of the social security number must be voluntary. If a student's social security number has been voluntarily disclosed to the school system, the school system may use it as a

unique identifier for reporting school data, provided that the requisite notice has been given to the parent or eligible student.

- G. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
HIPAA's "privacy rule" provides standards to protect the security and privacy of 'protected health information' (PHI). The privacy rule defines PHI as individually identifiable health information that is transmitted or maintained in any form or media. If student information is a part of the education record that is protected by FERPA, the information is not subject to HIPAA's "privacy rule".

X. Disclosure of Student Information

- A. Information shared in confidence by students to staff will be divulged to parents, principals, and others who by their training or licensure are able to provide immediate appropriate assistance when there is a risk to the student or others.
- B. Students must be notified of the limits of confidentiality prior to engaging in support services with school personnel that may result in the sharing of confidential information. Notification of the limits of confidentiality should be provided verbally and in writing.
- C. When staff obtain information from students that poses a risk to self or others, every effort should be made to encourage the student to divulge the information to the appropriate staff, agency, or to the parent.
- D. Reports of Suicidal Intent: If school staff becomes aware of a student's suicidal intent, staff should immediately notify the school administrator. The administrator should work with the school counselor or school psychologist to handle the situation. The parent should be immediately contacted and the student should not be left alone. Student Services staff should provide immediate intervention and strategies to assist the student. Referral to appropriate agencies should be made. If referral and removal of the student to an outside agency is necessary, every effort should be made to notify a parent before the student leaves the school premises. If staff suspects that suicidal intent is related to child abuse or neglect, the procedures for reporting child abuse and neglect should be followed.
- E. Harm to Third Parties: In accordance with Threat Assessment Procedures, if school staff has a reasonable belief that a student is going to harm another person or persons, a school administrator should be immediately notified. The school administrator should notify the parent of the intended victim. The administrator should also notify the parent of the student who intends to do harm to the third party unless the school administrator has reason to believe that the student has been subject to abuse or neglect by the parent, in which case a report of suspected abuse or neglect must be made to the Department of Social Services. Notification

of law enforcement of a student's intent to harm a third party is within the discretion of the school administrator.

- F. Staff who obtain information from students that represents a risk to self or others may also be required to report this information to the appropriate outside agency. See the following policies and/or guidelines for specific reporting requirements:
1. Policy 9230 Alcohol, Other Drugs, Prescription Medication, and Over-The-Counter Products
 2. Policy 1030 Child Abuse and Neglect
 3. Threat Management Procedures
 4. Student Assistance Program Assessment
 5. Suicide Intervention Procedures
 6. Policy 9290 Gangs, Gang Activity, and Similar Destructive or Delinquent Group Behavior.

ADOPTED: April 29, 1975

AMENDED: October 25, 1990

November 9, 1995

May 21, 1998

June 25, 1998

December 14, 2006

April 12, 2007

March 13, 2008

July 14, 2011

EFFECTIVE: July 14, 2011