

POLICY TITLE: <b>Privacy Rights of Students and Parents</b>		
ADOPTION/EFFECTIVE DATE: <b>6/24/2002</b>	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: <b>Students</b>		

Federal and State laws give students and their parents the right to inspect and review the student's educational records and to have school record inaccuracies corrected. Schools have the responsibility to maintain the confidentiality of student records.

Records shall be kept for individual students in accordance with rules and regulations of the Maryland State Board of Education.

Individual student records maintained by teachers or other school personnel are to be confidential in nature, and access to such records may be granted in accordance with applicable laws and regulations. Individual student records, with the exception of such records as are designated as permanent, and with such other exceptions as provided by the law, should be destroyed when they are no longer able to serve such legitimate and recognized educational ends.

All educational records of a student maintained under the provisions of the Code of Maryland Regulations (COMAR), including confidential records, shall be made available to eligible students, approved caretakers, custodial and non-custodial parents, or legal guardians except as otherwise provided herein.

### Definitions

1. *Directory Information* - student's name and grade, but only when it appears on honor roll or graduation list or as a member of a school-approved team, club, or other student organization or school publication; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; student's name and photograph as they appear in individual school or school system publications.
2. *Disclosure* - permitting access, transfer, or release of educational records of the student.
3. *Eligible Students* - a student who has attained eighteen years of age or is attending an institution of post-secondary education.
4. *Local School Personnel* means all officers, employees, and agents of the Board of Education of Harford County
5. *Parents* - custodial or non-custodial parents or approved caretakers of the student may

inspect the educational records unless the Harford County Public Schools have been provided with a legally binding instrument that provides to the contrary. This includes a legal guardian or approved caretaker in the absence of a parent or guardian.

6. *Party* - individual, agency, institution, or organization.
7. *Personally Identifiable* - data or information including (a) the name of the student, his/her parents, and family members; (b) address; (c) social security number or student number; (d) a list of personal characteristics which would make it possible to identify the student with reasonable certainty; or (e) other information which would make it possible to identify the student with reasonable certainty.
8. *Post-Secondary Education* - beyond grade 12.
9. *Record* - any information recorded in any medium such as handwriting, print, film, microfilm, microfiche, photographs, papers, correspondence, reports, forms, photostats, electronic recordings, sound recordings, computer data, and copies that are made, received, or filed in a classroom, school office, or elsewhere.
10. *Student* - any individual who has been or is enrolled at a public school in Harford County for whom educational records are maintained.
11. *Student Records* - Records that are: (a) directly related to a student; and (b) maintained by Harford County Public Schools or by a party acting for the Harford County Public Schools.

### Privacy and Disclosure Rights

The Family Educational Rights and Privacy Act of 1974, known as the Buckley Amendment, requires that parents of students in all public schools and public school students age 18 or over be notified each year as to what information regarding students has been designated as directory information (see 1. under Definitions)

Information designated as directory information will be considered public information unless the parents of a student or a student age 18 or over inform their school principal in writing no later than ten school days of public notice that such information is not to be designated as directory information with respect to that student.

In accordance with section 9528 of the No Child Left Behind Act of 2001, the Harford County Public Schools shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings. All requests for student names, addresses and telephone listings must be made in writing to the Superintendent of schools or his/her designee.

A secondary school student or the parent/guardian of the student may request that the student's name address and telephone listing not be released without prior written consent

of the parent or eligible student. Parents shall be given public notice of the right to refuse release of these records and the Harford County Public Schools shall comply with any such request on the part of a parent. The parents of a student or an eligible student must inform the Harford County Public Schools, in writing no later than 10 days of public notice, that such information is not to be released to military recruiters or an institution of higher education without prior written consent.

### Maintenance of Educational Records

Student records provide a written picture of the academic performance of a child. Therefore, the orderly and complete maintenance of these records is necessary to insure accurate information is available to plan for a child's education.

#### Responsibilities of the Principal:

1. Providing for the collection of required data
2. Establishing and maintaining complete and accurate records
3. Assuring the security of each student's educational record
4. Permitting a party who is legally authorized to do so, to review and inspect a student's educational record which contains personally identifiable information.

All student records are to be maintained in accordance with the Family Educational Rights and Privacy Act and the COMAR Regulations 13A.08.02.

1. Records that must be maintained permanently are certain data elements of student record card #1, side 1 and 2 (personal data), and student record card #3, side 1 and 2 (annual school performance data summary, grade levels 9-12). All other student records are to be maintained until the student reaches his/her 21st birthday.
2. Transfer student records are maintained in the same manner as for all students: student record card #1, side 1 and 2 (personal data) and student record card #3, side 1 and 2 (annual school performance data summary, grade levels 9-12). All other record cards are to be maintained until the student reaches his/her 21st birthday.
3. Educational records of students that are required by law to be kept permanently after a student reaches the age of 21 years will be kept by the school the student last attended. When student records are microfilmed, a second copy is to be stored in a central file for the school system as long as educational records are required to be maintained. If there is an outstanding request to inspect and review these particular records, this

request must be documented.

4. Educational records prescribed in the Maryland State Board of Education, Special Education Bylaw 13.04.01, require that specific items be in the student folder for audit purposes.
5. The student's educational record will be filed in the principal's or counselor's office or, with the principal's permission, in a teacher's classroom, and is accessible only to authorized personnel.
6. All data may be filed in a single folder or, if local conditions make such action desirable, there may be separate folders for the student's health records and educational management and assessment plans.
7. Educational records are reviewed at the time of a student's admission and prior to their transfer to another school in or out of Harford County and also just prior to a student's graduation to ensure that:
  - a) Prescribed data are being maintained for each student in the school
  - b) Student records information remains current and accurate and that inappropriate or inaccurate information is removed and destroyed.
8. Student discipline records that document an out-of-school suspension must be maintained until the student graduates or completes his/her education program or the student becomes 21 years of age, whichever comes first. Discipline records and other discipline information that exist in the student record when a transfer request is received will be sent to a school in which a student seeks or intends to enroll.
9. The principal of each school is responsible for the records in the Harford County Public Schools; the Superintendent of Schools is responsible for all records maintained by the central office.

### Inspection and Review of Educational Records

When a student first enrolls in a public school in Harford County, the student's parents or eligible student will be informed of their rights to inspect and review the educational records of the student either in person by the principal or his designee, or by the use of a Harford County Public Schools' publication. Appropriate school personnel will help interpret the information contained in the record. This right will also be extended to the eligible student who had been in attendance in the schools of Harford County.

Parents (custodial or non-custodial), guardians, and other authorized representatives of the parent or student, or eligible students have the right to inspect and review the student

record within 45 days of the date the school or school system receives a request. In the absence of a court order stating otherwise, either parent of a student has the same rights as the other concerning access to the student's record. Parents or eligible students should submit a written request to the school principal or other designee identifying the record(s) they wish to inspect. The principal or designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

If, for any valid reason, 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. Initial copies of the item(s) contained within the educational record will be provided at no cost. Requests for additional copies in a given school year will be provided at the rate of ten (10) cents per page plus postage as appropriate. Parent requests for a copy of the student's educational record must be submitted in writing to the school principal identifying the record(s) they wish to copy. All such requests must be completed within a period of time not to exceed forty-five (45) days after the request has been received. If the educational records of a student contain information on more than one student, the parents or eligible student may inspect and review, receive copies of, or be informed of only the specific information which pertains to that student.

### Additional Rights of Parents of Children with Disabilities

Under federal law parents/guardians/eligible student have the right to inspect and review education records related to the student that are collected, maintained or used by the school system before any meeting regarding an IEP or due process hearing, and in no case more than forty-five (45) days after the school receives the request.

Copies of a student's education record will not be provided unless failure to do so would prevent the parent from exercising the right to inspect and review the records. Initial copies of the item(s) contained within the educational record will be provided at no cost. Requests for additional copies in a given school year will be provided at the rate of ten (10) cents per page plus postage as appropriate. Parent requests for a copy of the student's educational record must be submitted in writing to the school principal identifying the record (s) they wish to copy.

### Amendment of Educational Records

Parents of a student or an eligible student have the right to challenge for cause any materials in the student's educational record and to present evidence or argument that such materials should be changed or removed. This request is to be made directly to the principal of the school the student is attending or to the Superintendent of Schools in a case where a student has withdrawn or graduated from high school. These persons will determine whether to amend the educational record of the student in accordance with the request within a reasonable period of time not to exceed twenty (20) days from the receipt of the request.

When any such request to amend records is denied, the eligible student or parents of a student will be informed in writing of the refusal and advised of their right to a hearing before the Superintendent or his designee. Upon receiving a request for a hearing to challenge the contents of the student's record, a hearing will be held within thirty (30) days of the receipt of the request. The parents of a student or eligible student will be notified within ten (10) days prior to the hearing of the date, place, and time of the hearing.

If a decision is made to amend the educational record, the parents of the student or the eligible student shall be informed in writing. A copy of the amended record will be provided upon request. In the event a decision is made not to amend the record, the parents of the student or the eligible student shall also be informed in writing of their right to place in the educational records of the student a statement commenting upon the information in the record and setting forth any reasons for disagreeing with the decision. This statement shall remain a part of the educational records of the student as long as the record or contested portion thereof is maintained.

### Disclosure of Personally Identifiable Information with Parental Consent

Personally identifiable information, other than directory information from the student educational record, must be disclosed with the written consent of the student's parent(s), legal guardian, or eligible student subject to exceptions related to child abuse/neglect and alcohol/drug treatment records as provided by law. The written consent must be signed and dated by the parents or eligible student and include:

1. A specification of the records to be disclosed;
2. The purpose or purposes of the disclosure; and
3. The party or class of parties to whom the disclosure may be made.

Upon request, a principal shall provide a copy of the record which is disclosed to the parents or eligible student, and to the student who is not an eligible student, if so requested by the student's parents.

A copy of each request for and each disclosure of personally identifiable information of a student is to be maintained as part of the educational record of a student. This record of disclosure may be inspected by:

1. Parents or eligible student;
2. School officials who are responsible for the custody of the records;
3. Parties authorized to audit the record keeping procedures of the Board of Education of Harford County.

### Prior Parental Consent for Disclosure Not Required

The principal/designee may disclose personally identifiable information from the student records without the consent of the parent or guardian of the student or the eligible

student, if the disclosure is:

1. To other school personnel, including teachers within the Harford County Public School System, who have been determined by the school system to have a legitimate educational interest.
2. To officials of another school or school system in which the student seeks or intends to enroll.
3. To authorized federal and state education officials including state health officials in connection with the audit and evaluation of federally-supported education programs or in connection with the enforcement of or compliance with federal or state legal requirements which relate to these programs.
4. In connection with financial aid for which a student has applied or which a student has received, if personally identifiable information from the student records may be disclosed only as may be necessary for purposes such 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 allowed to be reported or disclosed pursuant to state statute.
6. To organizations conducting research studies as authorized by the Harford County Public Schools.
7. To accrediting institutions in order to carry out their accrediting functions.
8. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
9. To comply with a judicial order or lawfully issued subpoena provided that school officials make a reasonable effort to notify the parent.
10. To appropriate parties in connection with a health or safety emergency, subject to consideration of the following factors:
  - 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 the information is disclosed are in a position to deal with the emergency; and
- d) the extent to which time is of the essence in dealing with the emergency.

### Conditions For Disclosure of Directory Information

The public schools of Harford County may disclose personally identifiable information from the education records of a student who is enrolled at a public school in Harford County, if that information has been designated as directory information under definitions of this policy. The Harford County Public Schools shall give public notice annually of the categories of personally identifiable information which have been designated as directory information. Parents or an eligible student have the right to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information. Parents or the eligible student must, in writing, inform the student's principal within ten (10) school days of public notice or personal receipt of such notice that such personally identifiable information is not to be designated as directory information with respect to that student.

The Harford County Public School System may disclose directory information from the education records of an individual who is no longer enrolled without following the above procedure.

Copies of this policy shall be made available to public libraries in Harford County, and copies shall be on file in each school's main office, guidance office, and library. An annual notice of this policy shall be made available to parents and eligible students enrolled by the end of September of each school year. A news article shall be published in a newspaper of local circulation indicating when the policy will be made available and where copies of the policies may be obtained.

### **Board Approval Acknowledged By:**

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Patricia L. Skebeck, Secretary and Treasurer  
Board of Education of Harford County



Policy Action Dates		
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Adopted	6/24/2002	

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