

Transfer of Educational Records for Children in State-supervised Care

Where are the requirements for transferring educational records for children in State-supervised care?

State law and regulations were enacted to facilitate the prompt enrollment in school of children in State-supervised care by expediting the transfer of their educational records. These requirements are set forth in sections 8-501 through 8-506 of the Education Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 13A.08.07.

Who is a child in State supervised care?

This is a child who is in the custody of, committed to, or otherwise placed by a placement agency. A placement agency is the local Department of Social Services, the Department of Health and Mental Hygiene, the Department of Juvenile Services or a private placement agency that is licensed by the Social Services Administration.

What does the placement agency need to do?

The placement agency, or the placement agency's designee, must provide written or verbal notice to the receiving school that the student will be enrolling. Notice of enrollment can be given either before or at the time of placement or modification of the placement of the child.

What is the receiving school required to do after being notified of the child's enrollment?

Within two days after receiving notice of enrollment, the receiving school must do the following: (1) inform the sending school of the child's enrollment; (2) request the child's educational records from the sending school; (3) provide a copy of the request for records to the child or the responsible adult acting on behalf of the child; and (4) inform the child or the responsible adult of the rights conferred in sections 8-501 through 8-506 of the Education Article.

What is the sending school required to do after being notified of the child's enrollment?

The sending school must immediately inform the receiving school of the grade level in which the child was last enrolled and whether the child has a 504 plan or an Individualized Education Program (IEP). This information is to be provided orally.

Within three school days of receiving notice of enrollment, the sending school must send by mail or transmit electronically to the receiving school the following items: (1) a complete withdrawal or transfer record of the child; (2) the child's academic records; (3) the child's discipline records; (4) the child's immunization records; and (5) the most recent 504 plan or IEP and assessment, if applicable. The placement agency representative or school employee may hand carry a copy of the official educational records.

What schools are required to comply with these requirements?

All public schools and noncollegiate educational institutions affiliated with a residential child care program or treatment facility that has an MSDE-approved educational program. This includes certain educational programs in Department of Juvenile Services facilities and certain non-public schools.

How are concerns about the records transfer process handled?

A parent(s)/guardian(s) may appeal controversies or decisions related to the Transfer of Educational Records for Students in State-Supervised Care at both the school and central office level in the following manner:

- Step I. The parent(s)/guardian(s) shall contact the school principal to arrange for an appointment to discuss their concern.
- Step II. If the problem is not resolved at Step I, the parent(s)/guardian(s) may submit a written appeal to the Director of Student Services. The Director will review and render a decision within five school days.
- Step III. If differences still exist, the parent(s)/guardian(s) may elect to submit a written appeal to the Superintendent of Schools within fifteen days of receipt of the decision of the Director of Student Services.

During the dispute resolution process, the child shall remain enrolled in the receiving school and receive the appropriate educational services, including the implementation of an existing 504 plan or IEP.

How else can I learn more? For more information, contact the Office of Student Services at 410-588-5334.