

I. Policy Statement

The Board of Education of Howard County recognizes its responsibility to maintain accurate records related to students, to protect the confidentiality and privacy of all records related to students, and to secure all records related to students except where federal, state, and local laws and regulations provide for disclosure.

The Board recognizes the value of parental involvement in all facets of their child's schooling and encourages parents to inspect and review their individual student's education records on a regular basis, especially as their child progresses from one grade level to the next, and toward graduation. The Board also recognizes the right of students and their parents to access their individual student's education records and the right of parents and eligible students to have any specific contents that is determined to be inaccurate or misleading removed from those records.

II. Purpose

The purpose of this policy is to establish standards and procedures for maintenance of confidentiality, disclosure of information, and security of all records related to students, in accordance with federal, state, and local laws and regulations. This policy also assures compliance with the Federal Family Educational Rights and Privacy Act (FERPA) regarding individual student's education records.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Confidential – Private, not intended to be shared with others.
- B. Confidentiality – Assurance that school system officials protect personally identifiable information (PII) and do not disclose or transmit records related to students or the PII contained therein to unauthorized parties.
- C. Directory Information – Information contained in students' education records which would not generally be considered harmful or an invasion of privacy if disclosed, as defined by FERPA and COMAR.
- D. Disclosure – The act of permitting access to, the release, transfer, or other communication of records related to students or the PII contained therein, orally, in writing, or by electronic means, or by any other means to any party.

- E. Eligible Student – A student who is 18 years old or older or is attending an institution of postsecondary education.
- F. Gradebook – Teacher records of student grades, whether in physical or electronic format.
- G. Legitimate Educational Interest – A Howard County Public School System (HCPSS) Board member’s or a school system official’s need to review a student education record to conduct his/her job-related responsibilities.
- H. 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 been terminated.
 - 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 - 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, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care).
 - 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 agency as provided by the Family Law Article, §5-507.
- I. Personally Identifiable Information (PII) – Any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- J. Record – Any documentary material in any format created or received by the HCPSS- in connection with the transaction of public business.
- K. School System Official – A person employed by the HCPSS; or a person or organization contracted by the HCPSS to perform a special task, (such as an attorney, auditor, school resource officer, medical consultant, or therapist).

- L. Student Education Records – Specific records, as defined and protected by FERPA, that are directly related to an individual student and are maintained by the HCPSS or by a party acting for the HCPSS.

IV. Standards

- A. All HCPSS Board members and school system officials will adhere to federal, state, and local laws and regulations as well as HCPSS policies, procedures, and guidelines for maintaining the accuracy, integrity, quality, and confidentiality of all records related to students in any format and location.
- B. The storage, retention, and destruction of all records related to students will adhere to the guidelines outlined in the Maryland State Department of Education Student Records Manual, Policy 3050 Records Management, and HCPSS procedures.
- C. The HCPSS will notify parents and students annually of the rights of parents and students regarding the inspection, review, amendment, and disclosure of students' education records, rights regarding directory information, as well as their right to file complaints related to these rights with the Family Policy Compliance Office of the U.S. Department of Education.
- D. Individual student's education records that are maintained by teachers and other HCPSS school system officials are confidential by law. Access to such student education records may be granted only for the purpose of serving legitimate educational interest as specifically permitted under FERPA.

V. Responsibilities

- A. All HCPSS Board members and school system officials will maintain the confidentiality of all records related to students.
- B. HCPSS Board members and school system officials may disclose a student's PII to appropriate parties in connection with an emergency if knowledge of the PII is necessary to protect the health or safety of the student or other individuals.
- C. HCPSS Board members and school system officials may disclose a student's PII as outlined in Policy 1030 Child Abuse and Neglect.
- D. The Superintendent/Designee will monitor standards and procedures related to the confidentiality of all records related to students as set forth in federal, state, and local laws, regulations and policies.
- E. The Superintendent/Designee will inform students, school system officials, and parents annually of the general provisions of this policy.

- F. Principals will protect the confidentiality of all active or inactive records related to students that are stored in their schools.
- G. Principals will review the standards and procedures related to the confidentiality of student education records and disclosure of directory information with the appropriate employees.
- H. Principals will certify annually the accuracy of student data maintained in student education records in their schools as mandated by the Maryland State Department of Education (MSDE) and the HCPSS.
- I. Principals will assign and oversee personnel trained to monitor the maintenance, review, updating, retention, and destruction of all records related to students in their schools.
- J. Principals will secure archived gradebooks in their schools until eligible for destruction in accordance with policy.
- K. The Office of Student Services will provide annual training to designated HCPSS school system officials regarding procedures for protecting the confidentiality of all records related to students.

VI. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

VII. References

- A. Legal
 - Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g
 - FERPA Regulations – 34 CFR Part 99
 - Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191
 - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.
 - IDEA Regulations – 34 CFR 300.501, 300.615, 300.618, and 300.619
 - Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794
 - Section 504 Regulations – 34 CFR 104.36
 - Internal Revenue Code of 1954, 26 U.S.C. §152
 - McKinney-Vento Homeless Assistance Act, Reauthorization 2002
 - The Annotated Code of Maryland, Education Article, §7-101(c) (Informal Kinship Care)
 - The Annotated Code of Maryland, Education Article, §7-303 (Reportable Offenses)
 - The Annotated Code of Maryland, Education Article, §7-424 (Reporting Incidents of Harassment)
 - The Annotated Code of Maryland, Education Article, §7-424.2 (Gangs and gang activity)
 - The Annotated Code of Maryland, Education Article, §8-412 (Parent Surrogates)

The Annotated Code of Maryland, Family Law Article, §5-704 (Report of Abuse or Neglect – By health practitioner, police officer, educator, or human service worker)
The Annotated Code of Maryland, Family Law Article, §5-507
The Annotated Code of Maryland, General Provision Article, §4-313 (Inspection of Student Records)
The Annotated Code of Maryland, Human Services Article, §1-202 (Confidentiality of information – Child abuse and neglect reports and records)
COMAR 13A.05.01, Programs for Students with Disabilities
COMAR 13A.08.01.08, Substance Use or Distribution
COMAR 13A.08.01.17, School Use of Reportable Offenses
COMAR 13A.08.02, Student Records
COMAR 13A.08.07, Transfer of Educational Records for Children in State-Supervised Care

- B. Other Board Policies
Policy 1020 Sexual Discrimination
Policy 1030 Child Abuse and Neglect
Policy 2070 Ethics
Policy 3030 Research Involving Employees and Students
Policy 3050 Records Management
Policy 4050 Procurement of Goods and/or Services
Policy 5100 Health Services
Policy 5120 Communicable Diseases – Prevention and Control
Policy 8010 Grading and Reporting: Pre-Kindergarten Through Grade 8
Policy 8020 Grading and Reporting: High School
Policy 8080 Responsible Use of Technology and Social Media
Policy 8120 Testing: State and Local Responsibilities and Protocols
Policy 9000 Student Residency, Eligibility, Enrollment and Assignment
Policy 9010 Attendance
Policy 9020 Students’ Rights and Responsibilities
Policy 9060 Rehabilitation Act of 1973 Compliance: Section 504
Policy 9200 Student Discipline
Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over the Counter Products
Policy 9250 Weapons
Policy 9290 Gangs, Gang Activity, and Similar Destructive or Delinquent Group Behavior
Policy 9300 Homeless Children and Youth
- C. Relevant Data Sources
- D. Other
Bullying, Cyberbullying, Harassment, or Intimidation Reporting Forms
Gang-Related Activity Reporting Forms
MSDE Student Records Manual
HCPSS Records Retention Schedule

HCPSS Procedures for Threat Management Process
HCPSS Student Assistance Program Procedures
HCPSS Suicide Intervention Procedures
Howard County Student Records Manual

VIII. History

ADOPTED: April 29, 1975

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MODIFIED:

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June 25, 2015

EFFECTIVE: July 1, 2015

STUDENT RECORDS

Effective: July 1, 2015

I. Definitions

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

- A. Confidential File – A collection of records, in any format or location, maintained by a school system official that is private and not intended to be disclosed to unauthorized parties.
- B. Discipline Records – Documentation that supports or verifies in-school-intervention, detention, in-school or out-of-school suspension or expulsion of a student; other documentation regarding disciplinary actions taken to correct a student’s behavior as well as documentation describing the student’s behavior that resulted in such actions.
- C. 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.

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

- A. Parents and Eligible Students have the following rights under FERPA:
 - 1. The right to inspect, review, and receive a copy of the student’s education records within 45 calendar 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 are believed to be inaccurate or misleading or violate the privacy rights of the student.
 - 3. The right to consent to disclosures of personally identifiable information (PII) 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 Family Policy Compliance Office of 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)

1. All rights and protections given parents under this policy transfer to the student when the student reaches age 18 or enrolls in a post-secondary institution. The rights accorded to and the consent required of the parent will, thereafter, only be accorded to and required of the eligible student.
2. Exceptions include:
 - a. 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.
 - b. If a student is under 18 and has dual enrollment in a secondary school and post-secondary institution, the parents retain FERPA rights at the secondary school and may have access to student education records that the post-secondary 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. The school will assume that both the custodial and noncustodial parents have FERPA rights unless provided with legal documentation to the contrary. When the parents of a student are separated, divorced or living apart, the Howard County Public School System (HCPSS) will permit both the custodial and noncustodial parent to inspect, review, and obtain copies of their student's education records unless the custodial parent provides the HCPSS 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 their student's education records or other school-related information.
2. If a noncustodial parent requests to be provided copies of school-related information provided to the custodial parent, the school will provide copies to the noncustodial parent, unless the custodial parent provides the school with a copy of a court order or 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 their student's education records or other school-related information.

3. The school may require a noncustodial parent who requests to be provided with copies of school-related information provided to the custodial parent to pay a reasonable fee at the beginning of the school year for copying and mailing the documents.

E. Additional Rights of Parents of Children with Disabilities

Children with disabilities who are eligible for special education services and their parents have rights with respect to the collection of documentary material 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.). According to IDEA, the HCPSS will inform parents when PII is no longer needed to provide education 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 Section 8-412 of the Education Article, Annotated Code of Maryland, 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. Student Records

A. FERPA-Protected Student Education Records

The HCPSS safeguards the student education records that are protected under FERPA.

1. A student education record, as defined by both FERPA and COMAR, means those records that are:
 - a. Directly related to a student; and
 - b. Maintained by an educational agency or institution or by a party acting for the agency or institution.
2. Minimal content of student education records will be as prescribed in the Maryland Student Records Manual and any other Maryland State Department of Education (MSDE) regulations pertaining to student records, as per COMAR 13A.08.02.09.
3. A student's legal name will be used on all official records. In the event of a name change resulting from marriage or a Court Order, the student's legal name and all former names will be maintained.
4. Student education records, protected by FERPA that the HCPSS maintains, may include, but are not limited to:

- a. 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. Discipline records.
 - c. Email maintained by the HCPSS related to a student, except those emails that contain records listed in III.A.5 below.
 - d. FERPA and COMAR Waivers.
 - e. Health records.
 - f. Legal proceedings.
 - g. Personal identification data.
 - h. Proof of residency documentation.
 - i. Psychological and other clinical evaluations or any other individualized evaluations.
 - j. Records of attendance, academic performance, assessment results, report cards and transcripts.
 - k. Secondary School Reports.
 - l. Special education records, including minutes of Individualized Educational Program (IEP) meetings.
 - m. Special services records (e.g. free and reduced-priced meal services, English Language Learner services).
5. The following records are not “student education records” as defined by FERPA and are therefore not accessible to parents or eligible students. The HCPSS protects these confidential records that, in any format and location, may include but are not limited to:
- 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. Employment records which are used only in relation to a student's employment by the HCPSS. Employment for this purpose does not include activities for which a student received a grade or credit in a course.
 - c. Additional records maintained in an administrator’s confidential file that may include, but are not limited to:
 - i. Bullying, Cyberbullying, Harassment, or Intimidation Reporting Forms. (per The Annotated Code of Maryland, §7-424 of the Education Article and Policy 1060).
 - ii. Maryland Student Assistance Program records. (per COMAR and Policy 9230).
 - iii. Reportable community offense records (per The Annotated Code of Maryland §7-303 of the Education Article and Policy 9280).

- iv. Reports of Gang-Related activity. (per Safe Schools Act and Policy 9290).
- v. Reports of Suspected Child Abuse/Child Neglect/Mental Injury, (per the Annotated Code of Maryland §1-202 of the Human Services Article and Policy 1030).

B. Directory Information

1. The HCPSS maintains directory information that is part of a FERPA-protected student education record, but which is not considered harmful or a violation of privacy if disclosed.
2. Directory information may include the following records relating to a student:
 - a. The student's name;
 - b. Address;
 - c. Telephone listing;
 - d. Photograph;
 - e. Grade level;
 - f. Enrollment status;
 - g. Date and place of birth;
 - h. Major field of study;
 - i. Participation in officially recognized activities and sports;
 - j. Weight and height of members of athletic teams;
 - k. Dates of attendance;
 - l. Degrees and awards received; and
 - m. The most recent educational agency or institution attended by the student.

IV. Maintenance and Security of Student Records

- A. All records related to students will be stored securely and will be accessible only to HCPSS Board members and school system officials with a legitimate educational interest.
 1. All records related to a student in physical format will be stored in a secure, lockable location.
 2. All records related to a student in an electronic format will be password protected.
- B. When records related to a student are converted to another format, the accuracy, integrity, and quality of the original record will be preserved.

- C. When records related to a student are sent or received by HCPSS Board members or school system officials in physical or electronic form, confidentiality will be protected.
- D. When access to an electronic system includes a student ID or user ID, that access will require dual authentication of the user's identity.

V. Management of Student Records

A. Reviewing and Updating Student Education Records

Reviewing and updating a student education record will ensure that student education records are relevant and accurate.

1. A review of a student education record will occur when:
 - a. A student transfers to the next higher organizational unit, such as from elementary to middle school or from middle to high school;
 - b. A student transfers schools within same organizational unit;
 - c. A student graduates from high school; or
 - d. A student withdraws.
2. An update of a student's education record during the school year will occur when there are:
 - a. Changes in PII,
 - b. Changes in residency,
 - c. Changes in academic performance,
 - d. Results of individual and group standardized tests, or
 - e. Changes in health data.

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 SR 7 Card will be transferred to the receiving 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. HCPSS employees are responsible for adhering to these regulations and the specific guidelines are published in the HCPSS Student Records Manual.

3. Limits on Transfer of Records
 - a. Records related to students are transferred according to the guidelines in The Maryland State Department of Education Student Records Manual except as noted below.
 - b. When a student's education record includes psychological and/or psychiatric reports, the report(s) will be returned to the Office of Psychological Services with a copy of the written request for dissemination. The sending school will document on the appropriate form in the student folder that a psychological report is available from the Office of Psychological Services when the file is forwarded to the receiving district/institution. The report will then be released by the Office of Psychological Services to the requesting school.
 - c. Transcripts, confidential letters, statements, and other records by HCPSS employees, will be released to post-secondary institutions and/or employers upon parental or eligible student consent.
4. Records that do not transfer with the student include:
 - a. Bullying, Cyberbullying, Harassment, or Intimidation Reporting Forms. (per The Annotated Code of Maryland, Education Article and Policy 1060).
 - b. Maryland Student Assistance Program records (per COMAR and Policy 9230).
 - c. Records of Contact and Records of Notifications related to Suicide Intervention Procedures (per HCPSS Suicide Intervention Procedures).
 - d. Reportable community offense records (per The Annotated Code of Maryland, §7-303 of the Education Article and Policy 9280).
 - e. Reports of Gang-Related activity (per Safe Schools Act and Policy 9290).
 - f. Reports of Suspected Child Abuse/Child Neglect/Mental Injury (per The Annotated Code of Maryland, §1-202 of the Human Services Article, and Policy 1030).
 - g. Threat Assessment reports (per HCPSS Procedures for the Threat Management Process).
5. Transfer of student education records will not be denied because of debts incurred.

C. Retention and Destruction of Records

The retention schedule for records related to students will follow the Maryland State Department of Education Student Records Manual, Policy 3050 Records Management, the HCPSS Records Retention Schedule, and the following protocols:

1. Records related to students who are no longer in the HCPSS will be stored in a central archive under the supervision of the Superintendent/Designee.
2. Psychological reports will be returned to the Office of Psychological Services when that data is no longer educationally useful, or is more than six (6) school years old (the current school year and the five previous school years), along with documentation of the date of transfer. Such records will be destroyed six (6) school years after the student graduates from secondary school, completes a program adopted by the Board, 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 informed of the records destruction timeline.
3. Records that identify a student as eligible for special education and related services and which document the services received will be destroyed six (6) years after the student graduates from secondary school, completes a program adopted by the Board, leaves school, or, for a student identified as in need of special education services, reaches the age of 21. Parent requests to destroy records cannot appeal this standard. Records to be kept include IEPs and IEP Team minutes containing:
 - a. Record of assessments completed 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. Records of Suspected Child Abuse/Child Neglect/Mental Injury will be retained in accordance with Policy 1030.
5. If a student with an IEP is eligible for medical assistance and billing has occurred for services, documentation will be maintained as listed below for six (6) school years to document the student's eligibility for medical assistance, eligibility for the services provided, and notes/logs documenting the services provided. Parent requests to destroy records cannot appeal this standard. Records to be kept include IEP and IEP Team minutes containing:
 - a. Documentation of the need for services which are eligible for medical assistance reimbursement;
 - b. All documentation of services provided (logs, etc.);
 - c. Ongoing service coordination notes demonstrating eligibility for medical assistance reimbursement; and
 - d. All applications for medical assistance reimbursement.
6. Discipline records will be maintained until the student graduates, completes his/her education program, or the student becomes 21 years of age.

7. Gang-Related activity reports will be maintained until the student graduates, permanently leaves school, or turns 22 years of age. If the allegation is unsubstantiated, all related records will be destroyed immediately.
8. Archived teacher gradebooks will be maintained for three (3) school years.
9. Individual student education records not required or specifically regulated by other state or local regulations will be destroyed when they no longer serve legitimate educational purposes, subject to the following exceptions:
 - a. Schools will not destroy any student education record if there is an outstanding request to inspect and review them under COMAR 13A.08.02.13.
 - b. Explanations placed in the student education record by the parent or eligible student in response to the hearing procedures to amend a FERPA-protected student education record set forth in this policy and under COMAR 13A.08.02.15 will be maintained as provided in COMAR 13A.08.02.15D.
 - c. The record of third party access required under COMAR 13A.08.02.20 will be maintained for as long as the student education record to which it pertains is maintained.

VI. Access to FERPA-Protected Student Education Records

A. Annual Notification

The HCPSS will annually publish a notice by such means that are reasonably likely to inform parents and eligible students of their rights under this policy. Where possible, the school system will arrange to provide translations of this notice to non-English speaking parents in their native language, and to provide effective notification to disabled parents or eligible students. The notice will include the following:

1. The right to inspect and review their student's education records.
2. The right to seek to correct parts of their student's education record which are believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. The right to a hearing to present evidence that their student's education record should be changed if the HCPSS decides not to alter it according to the parent's request.
4. The right to place a clarifying statement in their student's education record if the challenged record is not removed or amended.

5. The right to consent to the disclosures of PII contained in their student's education records, except to the extent that disclosure is authorized without consent.
6. The right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education if the HCPSS appears to violate this policy.
7. The procedure to follow to obtain copies of this policy.
8. The intent of the HCPSS to limit the disclosure of information contained in a student's education records except:
 - a. By the prior written consent of the parent or eligible student.
 - b. As directory information.
 - c. As determined by federal and state law.
9. The right to restrict the release of directory information about their child by the HCPSS.
10. The right of noncustodial parents to be provided copies of the school-related information normally provided to the custodial parent at school meetings, by mail, or by sending home with the student.

B. Right to Review and Inspect Student Education Records

A parent or eligible student will be given the opportunity to inspect and review their student's education records.

1. Each school will provide parents or eligible students requesting to review/inspect records a list of the types of student education records collected, maintained, or used regarding the student.
2. The principal/designee will comply with requests for access to a student's education record within a reasonable period of time, but not more than 45 calendar days after the request has been received.
3. A parent or eligible student will submit to the principal a written request that identifies the record or records he/she wishes to inspect. The principal/designee will make the needed arrangements as promptly as possible and notify the parent or eligible student in writing of the time and place where the records may be inspected in the presence of a school official.
4. If, for any valid reason, a parent or eligible student 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.
5. PII about other students will not be revealed.

6. The HCPSS will respond to reasonable requests for explanation and interpretation of student records.
7. Access to psychological reports is restricted to those permitted by law who have a legitimate educational interest. When a psychological report is part of the record to be reviewed, a school psychologist from the Office of Psychological Services will be available for interpretation.

C. Hearing Procedures to Amend FERPA-Protected Student Education Records

1. A parent or eligible student who believes that specific content contained in their student's education record is inaccurate or misleading or violates the privacy rights of the student, may request that the HCPSS amend those records. These procedures do not address requests to change a grade unless the grade is inaccurately recorded.
2. Requests for amending student education records may be initiated at the school level through a documented request signed by the parent or eligible student and submitted to the principal. The request will include the specific content that appears to be incorrect or misleading or in violation of the privacy rights of the student and data and/or documentation supporting the request.
3. The principal will review the request and respond in writing within 14 calendar days of the receipt of the request.
 - a. The review may include a meeting with the parent as deemed appropriate by the principal.
 - b. When a record is questioned and the original creator of the record is not available, a designee may be consulted.
 - c. If a psychological record is questioned, the principal will contact the appropriate director.
4. The written response from the principal will inform the parent or eligible student either:
 - a. The specific content was determined to be inaccurate, misleading, or otherwise in violation of the privacy rights of the student, and that the record(s) will be amended accordingly; or
 - b. The specific content was determined not to be inaccurate, misleading, or otherwise in violation of the privacy rights of the student and that the parent or eligible student has the right to:
 - i. Place in the student education record a statement commenting upon the specific content, setting forth any reasons for disagreeing with the decision.
 - ii. Appeal the decision to the appropriate director.

5. If the parent or eligible student is not satisfied with the response by the principal, the parent or eligible student may request a hearing to appeal the decision. The appeal should be made to the appropriate director and should include the initial change request and the principal's written response.
 - a. The hearing will be held within 21 calendar days of the request. The parent or eligible student will be given notice of the date, place, and time of the hearing reasonably in advance of the hearing.
 - b. The parent or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals determined by the parent or eligible student, at his or her own expense, including an attorney.
 - c. Within five school days after the hearing, the appropriate director will notify the parent or eligible student in writing of the results.
 - d. The decision will be based solely upon the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision.
 - e. If the result of the hearing is that the specific content in the student education record is found to be inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the student education record(s) will be amended accordingly and the parent or eligible student will be so informed.
 - f. If the result of the hearing is that the specific content in the student education record is found to be not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student will be informed of the right to place in the student education record a statement commenting on the specific content forth any reasons for disagreeing with the decision.
6. If the parent or eligible student places a statement in their student's education record, this statement will be kept in the student education record as long as the contested portion of the record is maintained by the HCPSS. If the student education record, or the contested portion thereof, is disclosed by the HCPSS to any party, the explanation will also be disclosed to that party.

D. FERPA and COMAR Waivers

1. A parent or eligible student may waive any rights provided in FERPA, COMAR, or this policy, if given in writing and signed by the appropriate individual. The HCPSS may not require such a waiver.

2. An applicant for admission to an institution of post-secondary education or employment may waive his/her right to inspect and review confidential letters and confidential statements of recommendation, applications for employment, or receipt of an honor or honorary recognition.
 - a. A waiver may apply to confidential letters and statements only if:
 - i. The applicant is, upon request, notified of the names of all individuals providing the letters or statements;
 - ii. The letters or statements are used only for the purpose for which they were originally intended; and
 - iii. 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.
 - b. A waiver will be executed by the student, regardless of age, rather than by the parent.
3. A waiver as described above may be revoked with respect to future actions.
 - a. The revocation must be in writing.
 - b. If a parent executes a waiver, the waiver may be revoked by the student at any time after he or she becomes an eligible student.

E. Fees for Copies of Student Education Records

The HCPSS reserves the right to charge a fee for copies of student education records made for the parent or transcripts it forwards to potential employers or post-secondary education institutions. The current fee schedule is located in the Howard County Student Records manual. Waivers may be granted in cases of hardship.

VII. Confidentiality and Disclosure

A. Disclosure of Directory Information

1. Directory information may be disclosed without the consent of the parent, as provided in FERPA and COMAR.
2. In accordance with section 4-313 of the General Provisions Article, Annotated Code of Maryland (Public Information Act (PIA)), the HCPSS, in response to a PIA request, will deny inspection of an HCPSS FERPA-protected student education record about the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student. However, student phone numbers and home addresses may be released without parental consent, in response to a PIA request 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 except those included in VII.A.2 above will be made in writing to and are subject to the approval of the Superintendent/Designee.
 4. The HCPSS will ensure that parents are notified annually of:
 - a. The categories of PII which the HCPSS has designated as directory information in III.B.2 above.
 - b. 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.
 - c. The process for notifying the school system with such a request and the associated deadline.
 - d. The requirement to notify the HCPSS 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 made public. Directory information cannot be combined with other confidential student records and made public without prior parent permission.

B. Record of Disclosure

1. The principal/designee will keep a record of each request for disclosure, and each disclosure of PII from student education records, showing:
 - a. Names of persons who have requested and/or obtained such records.
 - b. The legitimate interest such persons have in requesting, or obtaining, those records.
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 officials who are responsible for the custody of the records.

- c. By authorized parties for purposes of auditing record keeping procedures.

C. Disclosure with Parental Consent

1. The signed and dated written consent of a parent or eligible student will be secured before any HCPSS employee discloses PII from any student's FERPA-protected education records, except as provided elsewhere in this policy. A signed and dated written consent may include a record and signature in electronic form that identifies and authenticates a person as the source of the electronic consent. Such consent will 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 will be notified by the principal/designee of the disclosure request, and will certify to the principal his/her consent in writing. A copy of the disclosed record will be provided to the parent or eligible student upon request (when consent for disclosure is required), or to the student who is not eligible upon request by the student's parent.
3. Consent for disclosure of a psychological or psychiatric report will be sent to the Office of Psychological Services so that report can be released and a record of such disclosure can be maintained.

D. Disclosure Without Parental Consent

The principal/designee may disclose PII from the FERPA-protected education records of a student, without the consent of the parent or eligible student, if the disclosure is:

1. To other school system officials within the HCPSS who have been determined by the HCPSS to have a legitimate educational interest.
 - a. When volunteers are acting on behalf of the HCPSS to conduct specific duties that may enable limited access to PII, those volunteers must complete training on the protection and maintenance of confidentiality to become approved volunteers.
 - b. The principal/designee will maintain a list of all approved volunteers.
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 Attorney General of the United States
 - c. The Secretary of the U.S. Department of Education
 - d. Maryland State Department of Education (MSDE) personnel.
4. In connection with financial aid for which a student has applied, or which a student has received, PII from the FERPA- protected education records of the student will 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 records are specifically required by state statute to be reported or disclosed.
 6. To organizations, including educational institutions, conducting research studies for or on behalf of the HCPSS, for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the:
 - a. Studies are conducted in a manner which will not permit the personal identification of students and their parents or guardians by individuals other than representatives of the organization, and
 - b. Records will be destroyed when no longer needed for the purposes for which the study was conducted.
 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, HCPSS employees will first notify an administrator and make a reasonable effort to notify the parent or eligible student in advance of compliance. (Such a reasonable effort may be through a witnessed telephone call, registered letter, or email). However, contact with the parent or eligible student should not occur if the disclosure is in compliance with:
 - a. A federal grand jury subpoena and the court has ordered that the existence of the contents of the subpoena or the record furnished in response to it not be disclosed; or

b. Any other lawfully issued subpoena has ordered that the existence of the contents of the subpoena or the record furnished in response to it not be disclosed.

10. In connection with an emergency, PII may be disclosed to appropriate parties if knowledge of the PII is necessary to protect the health or safety of the student or other individuals. (School personnel are required to report suspected child abuse and neglect as set forth in Policy 1030 Child Abuse and Neglect). The factors to be taken into account in determining whether the PII may be disclosed under this section include the following:

- 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.

E. Redisclosure

PII may be disclosed only on the condition that the party to whom the record is disclosed will not redisclose the record to any other party without the prior written consent of the parent or eligible student. This does not apply to court orders or lawfully issued subpoenas or to directory information. Except for the disclosure of directory information or disclosures pursuant to a court order or lawfully issued subpoena, the party to whom a disclosure is made will be informed of the requirement that the record not be redisclosed without consent.

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

1. Third party psychological and psychiatric reports may not be redisclosed.
2. Reportable offense records will not be redisclosed by subpoena or other means 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 permits the Superintendent to transmit records received from the law enforcement agency and the State's Attorney regarding the reportable offense as a confidential file to the Superintendent of another public school system in the state in which the student has been enrolled or transferred.
3. Records 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 MSDE nor the HCPSS will 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 will be voluntary. If a student's social security number has been voluntarily disclosed to the HCPSS, the HCPSS will only use it to distinguish students with the same name and date of birth.

G. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule

HIPAA standards to protect the security and privacy of protected health information specifically excludes from its coverage those records that are protected by FERPA.

H. Special Circumstances

1. When there is a risk to a student or others, information shared in confidence by students to HCPSS Board members or school system officials will be disclosed to principals; to those persons who, by their training or licensure, are able to provide immediate appropriate assistance; or to parents, except as outlined in Policy 1030 Child Abuse and Neglect.
2. Students will 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.
3. HCPSS Board members and school system officials who obtain information from a student that represents a risk to self or others are required to report this information to the appropriate HCPSS staff and outside agency as provided in the specific reporting requirements in the following policies and procedures:
 - a. Policy 9230 Alcohol, Other Drugs, Prescription Medication, and Over-The-Counter Products.
 - b. Policy 1030 Child Abuse and Neglect.
 - c. HCPSS Procedures for Threat Management Process.
 - d. HCPSS Student Assistance Program Procedures.
 - e. HCPSS Suicide Intervention Procedures.
 - f. Policy 9290 Gangs, Gang Activity, and Similar Destructive or Delinquent Group Behavior.
 - g. Policy 9250 Weapons.

XI. History

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