

STUDENT RECORDS

I. Student Records

The Board of Education believes that in order to provide students with appropriate instruction and educational services, it is necessary for the school system to maintain student records. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian or the student in accordance with law, yet be guarded as confidential information.

It will be the responsibility of the Superintendent to provide the proper administration of students' records in keeping with state law and federal requirements, and to standardize procedures for the collection and retention of necessary information about individual students throughout the school system.

A. Directory Information

The Board wishes to declare that all individual student records of the school system are confidential EXCEPT items which are defined as DIRECTORY INFORMATION. The Board declares the following items of information about individual students to be DIRECTORY INFORMATION:

1. Student's Legal Name
2. Student's Grade and School
3. Homeroom Assignment
4. Honor Roll and Perfect Attendance List
5. Dates of Attendance
6. Graduation Date
7. Photograph
8. Degrees and Awards received
9. Participation in officially recognized Activities and Sport
10. Weight and Height of Members of Athletic Teams
11. Names and addresses of parents/guardians to allow for mass mailings of educational information when approved by the Superintendent.

B. Public Notice

Further, the Board directs the Superintendent to assure that public notice is given of the following:

Student Records

1. The categories of personally identifiable information which the Board has designated as directory information;
 2. The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to the student as directory information; and
 3. The period of time (no longer than September 30 of each school year) within which a parent, guardian, or eligible student who does not want to have those items designated as "Directory Information" released must notify the school of such a request.
- C. Legal Reference: (COMAR 13A.08.02.19 stipulates that a local school system or educational institution may disclose personally identifiable information from the student records without the written consent of the parent or guardian of the student or the eligible student, if the disclosure is:)
- (1) To other school officials, including teachers, within the educational institution or local school system who have been determined by the system or institution to have legitimate educational interests;
 - (2) To officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth in Regulation .22 of this chapter;
 - (3) Subject to conditions set forth in Regulation .23 of this chapter, to authorized representatives of:
 - (a) The Comptroller General of the United States,
 - (b) The Secretary,
 - (c) The Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or
 - (d) State and local educational authorities;
 - (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 to:
 - (a) Determine the eligibility of the student for financial aid,
 - (b) Determine the amount of financial aid,
 - (c) Determine the conditions which will be imposed regarding the financial aid, or
 - (d) 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 adopted:

Student Records

- (a) Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released, or
 - (b) After November 19, 1974, subject to the requirement of Regulation .26 of this chapter
- (6) To organizations conducting studies for, or on behalf of local school systems or educational institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, providing that the 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 that the information will be destroyed when no longer needed for the purposes for which the study was conducted.
- (a) The term "organizations" includes but is not limited to federal, State, and local agencies and independent organizations.
 - (b) If a third party fails to destroy the information, in violation of § C (6) of this regulation, the local school system or educational institution may not allow that third party access to personally identifiable information from student records for at least five years.
- (7) To accrediting organizations in order to carry out their accrediting functions;
- (8) To parents or guardians of a dependent student, as defined in §152 of the Internal Revenue Code of 1954;
- (9) To comply with a judicial order or lawfully issued subpoena if the local school system or educational institution makes a reasonable effort (for example, telephone call and have it witnessed, telegram, registered letter, etc.) to notify the parent or guardian of the student or the eligible student of the order or subpoena in advance of compliance, so that the parent, guardian, or eligible student may seek protective action, unless the disclosure is in compliance with:
- (a) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or
 - (b) Any other lawfully issued subpoena has ordered that the existence of the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- (10) To the court when the local school system or institution initiates legal action against a parent or student if the local school system or educational institution makes a reasonable effort to notify the parent or eligible student so that the parent or eligible student may seek protective action; or

Student Records

- (11) To appropriate parties in a health or safety emergency subject to the conditions set forth in Regulation .24 of this chapter.

With regard to C. (1) above "school officials" shall include but not be limited to Talbot County Public Schools professional and supervisory staff and persons working for the Talbot County Public Schools pursuant to a contract, such as psychologists, occupational therapists and mailing services when approved by the Superintendent.

D. Conditions for disclosure of information concerning Juvenile Justice System.

1. If reporting or disclosure allowed by State statute adopted after November 19, 1974 concerns the Juvenile Justice System and the system's ability to effectively serve, before adjudication, the student whose records are released, a local school system or educational institution may disclose student records under Regulation 19A (5)(b) of this chapter.
2. The officials and authorities to whom the records are disclosed shall certify in writing to the local school system or educational institution that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent or eligible student.

E. Rights of Parents to Examine Records.

1. This chapter does not affect the rights of parents or guardians to examine students' records pursuant to COMAR 13A.05.01.
2. A local school system or educational institution may presume that either parent or legal guardian of the student has authority to inspect and review the student records unless the local school system or educational institution has been provided 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 non-custodial parent may not have access to the student records.

F. Rights of the Non-custodial Parents.

1. If the parents are separated, divorced, or otherwise living apart, the local school system shall permit both the custodial and non-custodial parent to inspect and review the student records in accordance with Regulation .30 of this chapter except as otherwise provided in paragraph H of this regulation.
2. If a non-custodial parent requests to be provided copies of school-related information provided to the custodial parent, the local school system shall provide the non-custodial parent copies of the information except as otherwise provided in §H of this regulation.
3. For purposes of this regulation, "school-related information provided to a custodial parent" means:
 - a. 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

Student Records

- b. Those student records which are provided to the custodial parent such as report cards, disciplinary notices, and special education notices.
 - 4. The local school system may require a non-custodial parent, who requests to be provided with copies of school-related information provided to the custodial parent, to:
 - a. Pay a reasonable fee at the beginning of the school year for copying and mailing the documents; or
 - b. Sign an agreement to reimburse the local school system at the end of the school year for the costs of copying and mailing the documents.
- G. The local school system shall waive any fees under paragraph 3 of this regulation if the non-custodial parent files a notarized statement that the parent is unable to pay the fees.
- H. If the custodial parent provides the local school system 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 non-custodial parent may not have access to the student's student records or other school-related information, the local school system may not disclose the student records or the school-related information to the non-custodial parent.
- I. Each local school system shall develop a policy and procedure to implement the requirements of this regulation. Information concerning this regulation shall be included in statements on student and parent rights and responsibilities and shall be disseminated to all custodial and identified non-custodial parents at each local school.

-END-