

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

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<b>Subject:</b> Regulations and Procedures Governing Educational Records	<b>Date Approved:</b> October 17, 2000 October 21, 2003 February 21, 2006 May 26, 2009 <b>Date Revised:</b> September 4, 2003 March 17, 2009 <b>Date Effective:</b> October 17, 2000 February 21, 2006 May 26, 2009

## 1. PURPOSE

To preserve the right of students and parents/guardians to have full access to all official records about the student that are maintained by Somerset County Public Schools (SCPS); have removed from these records any information about the student which is determined to be inaccurate or misleading; enjoy confidentiality and privacy in regard to the disclosure of information contained in those records to outside agencies; and provide for efficient student records management in accordance with the Family Educational Rights and Privacy Act (FERPA), and its implementing regulations, the Individuals with Disabilities Education Act, and the Code of Maryland Regulations.

## 2. GUIDELINES

### A. Definitions

- (1) "Act" means the Family Educational Rights and Privacy Act of 1974.
- (2) "Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed and may include the following information relating to a student:
  - (a) The student's name;
  - (b) Address;
  - (c) Telephone number;
  - (d) Date and place of birth;
  - (e) Major field of study;
  - (f) Participation in officially recognized activities and sports;
  - (g) Weight and height of members of athletic teams;
  - (h) Dates of attendance;
  - (i) Degrees and awards received;
  - (j) The most recent previous of Somerset County Public Schools attended by the student;
  - (k) Electronic mail address;
  - (l) Photograph;
  - (m) Grade level;
  - (n) Enrollment status;
  - (o) Honor roll lists;
  - (p) Perfect attendance
  - (q) Name and addresses of parents/guardians to allow for mass mailings; and
  - (r) Other similar information, as defined by Somerset County Public Schools.

- (3) "Disclosure" means permitting access to, or the release, transfer, or other communication of personally identifiable information contained in student records to any party, by any means, including oral, written, or electronic means. Note: returning an educational record to the party identified as the creator of the record is not a disclosure
- (4) "School Official" a person employed by the Somerset County Public Schools; a person appointed or elected to the school board; a person employed by or under contract to SCPS to perform a special task, such as an attorney, volunteer, auditor, contractor, consultant, or therapist; or a person who is a teacher or other staff person in another school who has a legitimate educational interest in the information.
- (5) "Eligible student" means a student who is 18 years old or older or is attending an institution of postsecondary education.
- (6) "Institution of postsecondary education" means an institution which provides education to students beyond the secondary school level.
- (7) "Organization" includes, but is not limited to, federal, State, and local agencies and independent organizations.
- (8) Parent.
  - (a) "Parent" means a parent of a student.
  - (b) "Parent" includes:
    - § A natural parent;
    - § A guardian; or
    - § An individual acting as a parent in the absence of a parent or guardian.
- (11) "Parental consent" means the written permission given by a parent or guardian for the purpose of permitting disclosure of student records.
- (12) "Party" means an
  - (a) Individual;
  - (b) Agency;
  - (c) Institution; or
  - (d) Organization.
- (13) "Personally identifiable Information (PII)" includes, but is not limited to:
  - (a) The name of a student;
  - (b) The name (i.e. maiden name) of student's parent, guardian, or other family member;
  - (c) The student's or family address;
  - (d) Biometric record one or more measurable biological or behavioral characteristics that can be used for automated recognition of a student (i.e., fingerprints, handwriting, etc.)
  - (e) A personal identifier; such as the student's Social Security number or student number;
  - (e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or
  - (f) Other information which would make it possible to identify the student with reasonable certainty.

- (14) "Recommendation" means descriptive narrative student information associated with a statement regarding postsecondary education, training, or occupational placement, and any responses to ratings, questions, or other items contained on applications for the purpose of this placement.
- (15) "Secondary school level" means the educational level, not beyond grade 12, where secondary education is provided, as determined under State law.
- (16) Student:
  - (a) "Student" means an individual who is attending or has attended an educational institution that maintains the student's records or personally identifiable information.
  - (b) "Student" does not include an individual who has not been in attendance at the institution.
- (17) "Student records" has the meaning stated in **AB** of this regulation.
- (18) "Treatment," for the purpose of this policy, does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
- (19) "Legitimate Educational interest: A school official has a legitimate educational interest if the official is: performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; and or providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

**B. Student Records**

- (1) "Student records" means those records that are:
  - (a) Directly related to a student; and
  - (b) Maintained by an educational agency or institution or by Somerset County Public Schools
- (2) "Student records" includes, but is not limited to:
  - (a) Records concerning disciplinary actions taken against students; and
  - (b) Records relating to an individual in attendance of Somerset County Public Schools who is employed as a result of the individual's status as a student and not excepted under (3)(c) of this policy.
- (3) "Student records" does not include:
  - (a) Records of instructional, supervisory, and administrative personnel, and educational personnel ancillary to those individuals, which are:
    - § Kept in the sole possession of the maker of the record, and
    - § Not accessible or revealed to any other individual except a temporary substitute for the maker of the record
  - (b) Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement
  - (c) Records relating to an individual who is employed by Somerset County Public Schools that:
    - § Are made and maintained in the normal course of business,
    - § Relate exclusively to the individual in that individual's capacity as an employee,

and

§ Are not available for use for any other purpose.

(d) Records on a student who is 18 years old or older, or is attending an institution of post secondary education, that are:

§ Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's professional capacity or assisting in a paraprofessional capacity,

§ Made, maintained, or used only in connection with treatment of the student, and

§ Disclosed only to individuals providing the treatment; or

§ Records that only contain information about an individual after the individual is no longer a student at Somerset County Public Schools.

### **C. General Provisions**

(1) Procedures for Administration. Records shall be kept for individual students in accordance with the regulations of the State Board of Education and the Maryland Student Records System Manual.

(2) Confidentiality. Individual student records maintained by teachers or other school personnel under the provisions of this title are to be confidential in nature, and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Individual student records, with the exception of records that are designated as permanent, and with other exceptions provided by law, shall be destroyed when they are no longer able to serve legitimate and recognized educational ends.

(3) Access of Records. Records of a student maintained under the provisions of this title, including confidential records, shall be available to that student's parent or parents or legal guardians in conference with appropriate school personnel. SCPS use "reasonable methods to ensure that teachers and other school officials obtain access to only those education records (paper or electronic) in which they have legitimate educational interest (see section "Q"). For purposes of this policy, the term "records" does not include an education department employee's personal notes which are not made available to any other person.

### **D. Retention, Disposition, and Destruction of Student Records.**

(1) Guidelines and standards for the retention and disposition of student records maintained under this policy shall be those adopted in the Maryland Student Records System Manual.

(2) Individual student records not required or specifically regulated by other State or local regulations shall be destroyed when they no longer serve legitimate education purposes, subject to the following exceptions:

(a) The Somerset County Public Schools may not destroy any student record if there is an outstanding request to inspect and review them under section **AK** of this policy;

(b) Explanations placed in the education record under this policy shall be maintained as provided in section **AM** of this policy; and

(c) The record of access required under section **AQ** of this policy shall be maintained for as long as the education record to which it pertains is maintained..

**E. Review and Updating.**

- (1) To ensure that student records maintained under this policy are relevant and accurate, Somerset County Public Schools regulated by the State Board of Education shall provide for review and updating of student records.
- (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.
- (3) 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.

**F. Students' Rights.**

- (1) For purposes of this policy, if a student is 18 years old or older, the rights accorded to and the consent required of the parent or guardian of the student shall thereafter only be accorded to and required of the eligible student.
- (2) The status of an eligible student as a dependent of the student's parent or guardian does not otherwise affect the rights accorded to and the consent required of the eligible student.
- (3) This policy does not preclude a local school system or educational institution from according to students rights in addition to those accorded to parents or guardians of students.

**G. Content of Records.**

- (1) Minimal content of student records is prescribed in the Maryland Student Records System Manual. Somerset County Public Schools shall administer the prescribed student data in accordance with the current Maryland Student Records System Manual and other State Department of Education regulations pertaining to student record.

**H. Annual Notification of Rights.**

- (1) Somerset County Public Schools shall give parents or guardians of students in attendance or eligible students in attendance at the local school system or educational institution annual notice by such means as are reasonably likely to inform them of their right to:
  - (a) Inspect and review the student's records;
  - (b) Seek amendment of the student's records that the parent, guardian, or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
  - (c) Consent to disclosures of personally identifiable information contained in the student records, except to the extent that the section **AP** of this policy authorize disclosure without consent,
  - (d) Identify who is a "school official"

- (e) Records may be disclosed to another school where the student seeks or intends to enroll or is enrolled without additional parental consent, if it is provided for purposes of enrollment or transfer and
  - (f) File complaints with the United States Department of Education concerning alleged failures by Somerset County Public Schools to comply with the requirements of the Act.
- (2) The notice shall include all of the following:
    - (a) The procedure for exercising the right not to allow student directory information to be released to military recruiters and requesting colleges/universities;
    - (b) The procedure for exercising the right to inspect and review student records
    - (c) The procedure for requesting amendment of student records
  - (3) Somerset County Public Schools shall provide a means to effectively notify:
    - (a) Disabled parents or guardians of students or eligible students; or
    - (b) Parents or guardians of students or eligible students identified as having a primary or home language other than English.

**I. Fees for Copies of Student Records.**

- (1) Somerset County Public Schools may charge a fee for copies of student records, which are made for the parents, or guardians of students, students, and eligible students under this policy, if the fee does not effectively prevent the parents or guardians and students from exercising their right to inspect and review those records.
- (2) Somerset County Public Schools may not charge a fee to search for or to retrieve the student records.

**J. Waivers.**

- (1) Subject to the limitations in this policy, a parent or guardian of a student or an eligible student may waive any of his or her rights under this policy. A waiver may not be valid unless in writing and signed by the parent, guardian, or eligible student, as appropriate.
- (2) Somerset County Public Schools may not require that a parent or guardian of a student, or an eligible student, waive his or her rights under this policy. This section does not preclude Somerset County Public Schools from requesting a waiver.
- (3) An individual who is an applicant for admission to an institution of postsecondary education or employment may waive the individual's right to inspect and review confidential letters and confidential statements of recommendation respecting admission to an educational institution, application for employment, or the receipt of an honorary recognition.
- (4) A waiver under this policy may apply to confidential letters and statements only if.
  - (a) The applicant is, upon request, notified of the names of all individuals providing the letters or statements;
  - (b) The letters or statements are used only for the purpose for which they were originally intended; and
  - (c) This waiver is not required by Somerset County Public Schools as a condition of

admission, employment, or granting of an honor or receipt of any other service or benefit from the Somerset County Public Schools.

- (5) A waiver under this policy shall be executed by the individual, regardless of age, rather than by the parent or guardian of the individual.
- (6) A waiver under this policy may be made with respect to specified classes of student records, and persons or institutions.
- (7) Revocation of Waiver.
  - (a) A waiver under this policy may be revoked with respect to any actions occurring after the revocation.
  - (b) A revocation under this policy shall be in writing.
  - (c) If a parent or guardian of a student executes a waiver under this policy, that waiver may be revoked by the student at any time after the student becomes an eligible student.

**K. Right to Review and Inspect Educational Records.**

- (1) Except as limited under section **AJ** of this policy, a parent, guardian, or eligible student shall be given the opportunity to inspect and review the student records. This applies to:
  - (a) Any local school system or educational institution; and
  - (b) A State educational agency and its components.
- (2) The Somerset County Public Schools shall comply with a request for access to student records not more than 45 calendar days after the request has been made. For purposes of this section, a State educational agency and its components:
  - (a) Constitute an educational agency or institution; and
  - (b) Are subject to this section if the State educational agency maintains student records on students who are or have been in attendance at any school in the Somerset County Public School System subject to the Act and this policy.
- (3) Somerset County Public Schools shall respond to reasonable requests for explanations and interpretations of the student records.
- (4) If circumstances effectively prevent the parent, guardian, or eligible student from exercising the right to inspect and review the student records, Somerset County Public Schools or State educational agency or its component, shall:
  - (a) Provide the parent, guardian, or eligible student with a copy of the student records requested; or
  - (b) Make other arrangements for the parent, guardian, or eligible student to inspect and review the requested student records.

**L. Request to Amend Student Records.**

- (1) The parent or guardian of a student or an eligible student, who believes that information contained in the student records is inaccurate or misleading or violates the privacy rights of the student, may request that Somerset County Public Schools which maintains the records amend them.

- (2) Somerset County Public Schools shall decide whether to amend the student records in accordance with the request within a reasonable period of time (not to exceed 60 days) of receipt of the request.
- (3) If Somerset County Public Schools decides to refuse to amend the student records in accordance with the request, it shall so inform the parent or guardian of the student or the eligible student of the refusal, and advise the parent, guardian, or the eligible student of the right to a hearing.

**M. Right to a Hearing.**

- (1) Somerset County Public Schools shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's student records to ensure that information in the student records is not inaccurate, misleading, or otherwise in violation of the privacy rights of students. The hearing shall be conducted in accordance with section AN@ of this policy.
- (2) If, as a result of the hearing, Somerset County Public Schools decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the student records accordingly and so inform the parent or guardian of the student or the eligible student in writing.
- (3) If, as a result of the hearing, Somerset County Public Schools decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent, guardian, or eligible student of the right to place in the student records a statement commenting upon the information in the student records setting forth any reasons for disagreeing with the decision of the system or institution, or both.
- (4) An explanation placed in the student records under this policy shall be maintained by Somerset County Public Schools as part of the student records as long as the records or contested portion of the records are maintained by the system. If the student records or the contested portion of the records are disclosed by Somerset County Public Schools to any party, the explanation shall also be disclosed to that party.

**N. Conduct of the Hearing.**

- (1) The hearing required to be held by section AM of this policy shall be conducted according to procedures which shall include at least the following elements:
  - (a) The hearing shall be held within a reasonable period of time after the local school system or educational institution has received the request, and the parent or guardian of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing;
  - (b) The hearing may be conducted by any party, including an official of Somerset County Public Schools , who does not have a direct interest in the outcome of the hearing;
  - (c) The parent or guardian of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this policy, and may be assisted or represented by individuals of his or her choice

- at his or her own expense, including an attorney;
  - (d) The Somerset County Public Schools shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and
  - (e) The decision of Somerset County Public Schools shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- (2) If the decision rendered by the local school administrator is not acceptable to the parent, guardian, or eligible student, appeal can be made according to local procedures.

**O. Prior Consent for Disclosure Required.**

- (1) The parent or guardian of a student or the eligible student shall provide a signed and dated written consent before Somerset County Public Schools discloses personally identifiable information from the student records, other than directory information, except as provided in these guidelines.
- (2) Whenever written consent is required, Somerset County Public Schools may presume that the parent or guardian of the student or the eligible student giving consent has the authority to do so unless the system or institution has been provided with evidence that there is a legally binding instrument or a State law or court order governing such matters as divorce, separation, or custody, which provides to the contrary.
- (3) The written consent required by this policy shall be signed and dated by the parent or guardian of the student or the eligible student giving the consent, and shall include:
  - (a) A specification of the records to be disclosed;
  - (b) The purpose or purposes of the disclosure; and
  - (c) The party or class of parties to whom the disclosure may be made.
- (4) When a disclosure is made pursuant to this policy, the Somerset County Public Schools shall, upon request, provide a copy of the record which is disclosed to the parent or guardian of the student or the eligible student, and to the student who is not an eligible student, if so requested by the student's parent or guardian.

**P. Prior Consent for Disclosure Not Required.**

- (1) Somerset County Public Schools 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:
  - (a) To other school officials, including teachers within the educational institution or local school system, who have been determined by Somerset County Public Schools to have legitimate educational interests;
  - (b) To officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth in section **A** of this policy;
  - (c) Subject to conditions set forth in section **T** of this policy, to authorized representatives of:
    - § The Comptroller General of the United States,
    - § The Secretary,
    - § The Director of the National Institute of Education, or the Assistant

- Secretary for Education, or
- § State and local educational authorities;
- (d) 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:
- § Determine the eligibility of the student for financial aid,
- § Determine the amount of financial aid,
- § Determine the conditions which will be imposed regarding the financial aid,
- or
- § Enforce the terms or conditions of the financial aid;
- (e) To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to State statute adopted:
- § 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
- § After November 19, 1974, subject to the requirement of section **W** of this policy;
- (f) To organizations conducting studies for, or on behalf of Somerset County Public Schools for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if 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
- § Information will be destroyed when no longer needed for the purposes for which the study was conducted;
- (g) To accrediting organizations in order to carry out their accrediting functions;
- (h) To parents or guardians of a dependent student, as defined in ' 152 of the Internal Revenue Code of 1954;
- (i) To comply with a judicial order or lawfully issued subpoena if Somerset County Public Schools 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 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
- § 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;
- (j) To the court when Somerset County Public Schools initiates legal action against a parent or student, if Somerset County Public Schools makes a reasonable effort to notify the parent or eligible student so that the parent or eligible student may seek protective action; or

- (k) To appropriate parties in a health or safety emergency subject to the conditions set forth in section **U** of this policy.
  - (l) Information concerning registered Sex Offenders provided under State sex offender registration (re: Campus Sex Crimes Prevention Act (CSCPA))
- (2) If a third party fails to destroy information, in violation of (1)(f) of this policy, Somerset County Public Schools may not allow that third party access to personally identifiable information from student records for at least 5 years.
- (3) This policy does not require or preclude disclosure of any personally identifiable information from the educational records of a student by Somerset County Public Schools to the parties set forth in (2)(a)(1) of this policy.

**Q. Record of Disclosure Required To Be Maintained.**

- (1) For each request for and each disclosure of personally identifiable information from the student records, Somerset County Public Schools shall maintain a record, kept with the student records, which indicates:
- (a) The parties who have requested or obtained personally identifiable information from the student records; and
  - (b) The legitimate interests these parties had in requesting or obtaining the information.
- (2) Section **Q**(1) of this policy does not apply to disclosures:
- (a) To a parent or guardian or an eligible student;
  - (b) Pursuant to the written consent of a parent or guardian of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
  - (c) To school officials under section **AP**@ of this policy;
  - (d) Of directory information under section **AV**@ of this policy; and
  - (e) To a party seeking or receiving the records as directed by a federal grand jury or other lawfully issued subpoena and the issuing court or other issuing agency has ordered that the existence or the content of the subpoena or the information furnished in response to the subpoena not be disclosed.
- (3) The record of disclosures may be inspected:
- (a) By the parent or guardian of the student or the eligible student;
  - (b) By the school official and the official's assistants who are responsible for the custody of the records; and
  - (c) For the purpose of auditing the record-keeping procedures of the local school system or educational institution, by the parties authorized in, and under the conditions set forth in, section **AP**@ of this policy.

**R. Limitations on Redisclosure.**

- (1) Somerset County Public Schools may disclose personally identifiable information from the student records only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent or guardian of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, school system, or organization may be used by its officers, employees, and agents, but only for the purposes for which the disclosure was made.
- (2) Section **R**(1) of this policy does not preclude Somerset County Public Schools from disclosing personally identifiable information under section **P** of this policy, with the understanding that the information will be redisclosed to other parties under this policy, if the record-keeping requirements of section **Q** of this policy are met with respect to each of those parties.
- (3) Section **AR**(1) of this policy does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas under section **AP** of this policy, or to disclosures of directory information under section **V** of this policy.
- (4) Except for the disclosure of directory information under section **AV** of this policy, or disclosure made pursuant to court orders or subpoenas under section **AP** of this policy, Somerset County Public Schools shall inform the party to whom a disclosure is made of the requirement set forth in **R**(1) of this policy.
- (5) If a third party improperly rediscloses personally identifiable information from student records in violation of **R**(1) of this policy, Somerset County Public Schools may not allow that third party access to personally identifiable information from student records for at least 5 years.

**S. Conditions for Disclosure to Officials of Other Schools and School Systems.**

- (1) Somerset County Public Schools transferring the student records pursuant to section **AP** of this policy shall:
  - (a) Make a reasonable attempt to notify the parent or guardian of the student or the eligible student of the transfer of the records at the last known address of the parent, guardian, or eligible student, except:
    - § When the transfer of the records is initiated by the parent, guardian, or eligible student at the sending local school system or educational institution, or
    - § When the annual notification of the local school system or educational institution, formulated under section **AH** of this policy, includes a notice that it forwards student records on request to a school in which a student seeks or intends to enroll.

- (b) Provide the parent or guardian of the student or the eligible student, upon request, with a copy of the student records which have been transferred; and
  - (c) Provide the parent or guardian of the student or the eligible student, upon request, with an opportunity for a hearing under sections **AM & O** of this policy.
- (2) If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the student records to each other without obtaining the written consent of the parent or guardian of the student or the eligible student, if the disclosure meets the requirements of **AS**① of this policy.

**T. Disclosure to Certain Federal and State Officials for Federal Program Purposes.**

- (1) This policy does not preclude authorized representatives or officials listed in section **P** of this policy from having access to student and other records which may be necessary in connection with the audit and evaluation of federal or State-supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements which relate to these programs.
- (2) Except when the consent of the parent or guardian of a student or an eligible student has been obtained under section **O** of this policy, or when the collection of personally identifiable information is specifically authorized by federal law, any data collected by officials listed in section **P** of this policy shall be protected in a manner which will not permit the personal identification of students and their parents or guardians by other than those officials. Personally identifiable data shall be destroyed when no longer needed for an audit, evaluation, or enforcement of or compliance with federal legal requirements.

**U. Conditions for Disclosure in Health and Safety Emergencies.**

- (1) Somerset County Public Schools may disclose personally identifiable information from the student records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Such disclosure requires recordation of the significant threat and the identity of parties to whom the information has been disclosed.
- (2) The factors to be taken into account in determining whether personally identifiable information from the student records may be disclosed under this policy include the following:
- (a) The seriousness of the threat to the health or safety of the student or other individuals;
  - (b) The need for the information to meet the emergency;
  - (c) Whether the parties 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.
- (3) Section **AU**① of this policy shall be strictly construed.

**V. Conditions for Disclosure of Directory Information.**

- (1) Somerset County Public Schools may disclose personally identifiable information from the student records of a student who is in attendance at the institution or system if that information has been designated as directory information under AA@(2) of this section.
- (2) Somerset County Public Schools may disclose directory information from the student records of an individual who is no longer in attendance at the system or institution without following the procedures under AV@(3) of this section.
- (3) Somerset County Public Schools which wishes to designate directory information shall give public notice of the following:
  - (a) The categories of personally identifiable information which the institution has designated as directory information;
  - (b) The right of the parent or guardian 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 that student as directory information; and
  - (c) The period of time within which the parent or guardian of the student or the eligible student must inform Somerset County Public Schools, in writing, that this personally identifiable information is not to be designated as directory information with respect to that student.

**W. 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 section P of this policy.
- (2) The officials and authorities to whom the records are disclosed shall certify in writing to Somerset County Public Schools 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.

**X. Rights of Parents to Examine Records.**

- (1) This policy does not affect the rights of parents or guardians to examine students' records pursuant to COMAR 13A.05.01.
- (2) Somerset County Public Schools may presume that either parent or legal guardian of the student has authority to inspect and review the student records unless the Somerset County Public School System 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 noncustodial parent may not have access to the student records.

**Y. Rights of Noncustodial Parents.**

- (1) If the parents are separated, divorced, or otherwise living apart, Somerset County Public Schools shall permit both the custodial and noncustodial parent to inspect and review the

student records in accordance with section **K** of this policy except as otherwise provided in **V (6)** of this section.

- (2) If a noncustodial parent requests to be provided copies of school-related information provided to the custodial parent, Somerset County Public Schools shall provide the noncustodial parent copies of the information except as otherwise provided in **AV(6)** of this policy.
  - (3) For purposes of this policy, "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
    - (b) Those student records which are provided to the custodial parent such as report cards, disciplinary notices, and special education notices.
  - (4) Somerset County Public Schools may require a noncustodial 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 school system at the end of the school year for the costs of copying and mailing the documents.
  - (5) Somerset County Public Schools shall waive any fees under **AY(4)** of this section if the noncustodial parent files a notarized statement that the parent is unable to pay the fees.
  - (6) If the custodial parent provides Somerset County Public Schools 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 the student's student records or other school-related information, the school system may not disclose the student records or the school-related information to the noncustodial parent.
- Z. Rights and Remedies Under Other Laws** - A parent or guardian may have additional rights and remedies to inspect and obtain copies of student records and other school-related information under State Government Article, ' ' 10-610-10-628, Annotated Code of Maryland.