



200 W. Baltimore Street
Baltimore, MD 21201
Nancy S. Grasmick
State Superintendent of Schools

TRANSFER OF EDUCATIONAL RECORDS FOR STUDENTS IN STATE-SUPERVISED CARE

Fact Sheet
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February 2007

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

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

Who is a child in State-supervised care?

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

What does the placement agency need to do?

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

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

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

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

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

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

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What schools are required to comply with these requirements?

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

How are concerns about the records transfer process handled?

Each local board of education is required to have a dispute resolution process in place to handle controversies over the record transfer requirements.

What are the requirements of this dispute resolution process?

Each local board of education establishes the requirements. At a minimum, the process must set forth the requirements for filing a request for dispute resolution, a deadline for filing the request, and reasonable time frames for completion of the other aspects of the dispute process. The dispute resolution process must be completed within 20 school days after the request for resolution is filed.

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

What kinds of assurances do the schools have to make regarding compliance with the records transfer law?

Each local school system will certify annually that it is in compliance with the records transfer law. Among other things, this includes assurance that notice of the law's requirements has been provided to principals, teachers, other school personnel, children in State-supervised care, responsible adults acting on behalf of those children and other interested parties.

How else can I learn more?

For more information, contact the Student Services and Alternative Programs Branch at 410-767-0295.
