

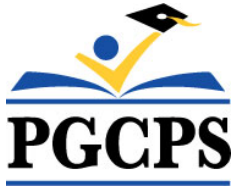
# ADMINISTRATIVE PROCEDURE

## INDIVIDUAL STUDENT SCHOOL-BASED RECORDS

5125  
Procedure No.  
November 23, 2020  
Date

- I. **PURPOSE:** To provide procedures for collection, maintenance, dissemination, retention and destruction of individual student school-based records in compliance with the federal Family Education Rights and Privacy Act (FERPA) and other federal, state and local guidelines.
  
- II. **POLICY:** The Prince George’s County Public School (PGCPS) system will make every effort to keep student records confidential and safeguard them from those who might use them for other than legitimate purposes. Information of a highly confidential and personal nature about students that counselors, teachers, and other school personnel acquire will be respected as confidential. The interest of the student will supersede all other purposes for which records might be used. (Board Policy 5125).
  
- III. **TABLE OF CONTENTS:**

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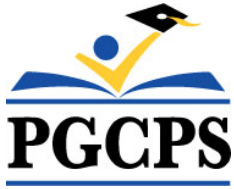
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**IV. DEFINITIONS:** The following definitions apply to this procedure:

- A. Adult Student – A currently enrolled student who is 18 years of age or older. The term is synonymous with “eligible student” under the Family Educational Rights and Privacy Act (FERPA).
- B. Annual Notification of Rights – The responsibility of the school system to notify parents and eligible students annually of their rights to inspect, review and amend their student record, and their rights to file a complaint related to these rights with the U.S. Department of Education and/or the Maryland State Department of Education (MSDE).
- C. Bridge Plan – The Bridge Plan for Academic Validation/AVP is used only when the student is unsuccessful passing the state assessments and will likely be unable to use the combined score option. This is an academic intervention which provides an alternative means for eligible students to secure a high school diploma.
- D. Confidential – Information that is private, not intended to be shared with others.
- E. 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.
- F. 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 Code of Maryland Regulations (COMAR).
- G. Discipline Records – Information which documents disciplinary history including student discipline referral forms, suspension and expulsion documentation and actions taken to correct the offending behaviors.
- H. Disclosure – Permitting access to, the release, transfer, or other communication of records related to students or the PII contained therein,



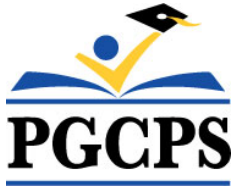
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orally, in writing, or by electronic means, or by any other means to any party.

- I. Early Intervention Record (EIR) – Any personally identifiable information about a child or family generated by the early intervention system that pertains to evaluation and assessment, development of the Individualized Family Services Plan, and delivery of early intervention services. The EIR should remain with the Limited Access Folder (LAF).
- J. Educational Online Program- A combination of online learning, in which students can in-part control the time, pace and place of their learning. Students are able to receive or earn credit for a repeated course or for initial credit to meet graduation requirements.
- K. Electronic Document Management System (EDMS) – A system consisting of software, hardware, policies and processes to automate the preparation, organization, storage, retrieval, tracking, distribution and disposition of documents.
- L. Electronic Health Record – An electronic record of health-related information on an individual that conforms to nationally recognized standards and that can be created, managed and consulted by authorized clinicians.
- M. Electronic Signature – An electronic symbol or process attached to or logically associated with an electronic record and executed or adopted with the intent to authenticate the record.
- N. Emancipated Student – A minor student (i.e., under the age of 18) who is living independently of the student’s parent/guardian and whose parents/guardians are no longer legally responsible for the student due to the following:
  - 1. The student is married. The school should require a copy of the marriage certificate for verification.
  - 2. The student has been declared emancipated through the courts. The school should require a copy of the court order for verification.
  - 3. The student is living independently of the parent/guardian. The school should require evidence of financial and residential independence, such as a lease or rental agreement, utility bill(s) or similar proof.
- O. Family Educational Rights and Privacy Act (FERPA) – Federal legislation that protects the privacy of students' personally identifiable information



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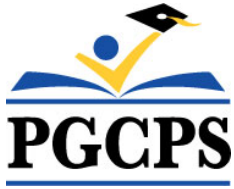
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(PII) in education records. The act applies to all educational institutions that receive federal funds.

- P. Interscholastic Athletic Records – Documents that are collected and maintained for students participating in interscholastic activities.
- Q. Legitimate Educational Interest – PGCPS officials, teachers and other school personnel that need to review an individual student education record to conduct job-related professional responsibilities.
- R. Limited Access Folder (LAF) – A folder which contains information of a sensitive nature, such as psychological or psychiatric reports, court documents, and social histories. This file is maintained separately from the cumulative folder. This folder is available on an as needed basis to individuals (school personnel, medical or educational professionals, and those given written permission by the parent/guardian or adult student) as permitted by law and determined by the principal or appropriate administrative representative.
- S. Name Change or Gender Change – The request by a student or parent/guardian to change the name or gender listed on an official school record supported by required documentation.
- T. Parent – Any one of the following, recognized as the individual(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* – A non-parent/guardian adult resident of Prince George’s County who exercises care, custody or control over the student and who satisfies the requirements to be authorized as an informal kinship care provider under Administrative Procedure 5118.1 - Informal Care Arrangements and the Enrollment of Nonresident Students.



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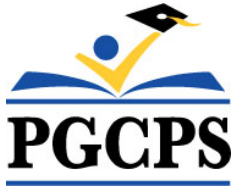
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6. *Foster Parent* – An adult approved to care for a child who has been placed in their home by a government agency, such as a licensed placement agency, a local Department of Social Services, the Secretary of the Department of Health and Mental Hygiene, the Juvenile Services Administration or a Court of competent jurisdiction.
7. *Parent Surrogate* – An individual appointed by a local lead agency or the local school superintendent to act in place of a parent of a child in the early intervention/special education decision-making process when the legal guardian is a public agency, the parents are deceased, the parental educational rights have been placed with the State or the parent is unknown or unavailable to participate in the special education process.
- U. Personally Identifiable Information (PII) – Any information that, alone or in combination, would make it possible to identify an individual student with reasonable certainty.
- V. Records Management – The maintenance, dissemination, retention, and destruction of student records in accordance with The Maryland State Department of Education Student Records Manual and the Prince George’s County Public Schools Records Management Guidance.
- W. Record Retention – The length of time a record must be kept to meet administrative and legal requirements.
- X. School-based Records Management Team – Designated school-based team - such as an administrator, records secretary, testing coordinator, Special Education coordinator/chair, Professional School Counselor, Pupil Personnel Worker, ESOL coordinator, school psychologist and school nurse – who are responsible for records management at the local school.
- Y. School System Official – A person employed by PGCPS, or a person or organization contracted by PGCPS to perform a special task (such as an attorney, auditor, school resource officer, medical consultant, educational consultant or therapist).
- Z. Student Education Records – Specific records, as defined and protected by FERPA, that are directly related to an individual student and are maintained by PGCPS or by a party acting for PGCPS.

Anecdotal records that are maintained by professional school counselors, school psychologists, pupil personnel workers, social workers, teachers and other related service providers that are solely used to aid personal memory are not considered student education records.

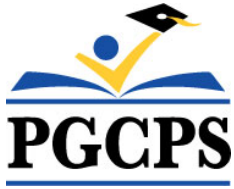


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- AA. Student Record Audit- A review of student records to ensure policies, procedures, and internal controls are in place to meet all operational, legal and regulatory obligations and to identify where and how improvements should be made.
- BB. Student Record Cards (SR Cards) – Student record cards provide an accurate presentation of the academic performance of a student. The Code of Maryland Regulations (COMAR) requires schools to have systems of information on enrollment, attendance, and promotion. Each Local Education Agency (LEA) may collect additional information. The student record cards are designed to incorporate all requirements necessary to earn a Maryland diploma.
1. SR 1 Card, Side 1 - Student’s Personal Data
  2. SR 1 Card, Side 2 - Student’s School Attendance Data
  3. SR 2 Card, Side 1 - Annual Early Childhood School Performance Data Summary , Early Care, Kindergarten and Grades 1-5
  4. SR 2 Card, Side 2 - Annual Middle School Performance Data Summary Card, Grade Levels 6-8
  5. SR 3 Card, Side 1 - Annual Secondary School Performance Data Summary Card, Grade 9 -12
  6. SR 3 Card, Side 2 - Annual Secondary School Performance Data Summary, Grades 9-12
  7. University Transcript
  8. SR3B- Maryland State High School Assessment Performance
  9. SR4 Card, Side 1- State Mandated Testing
  10. SR4 Card, Side 2- Local Education Agency Testing
  11. Electronic Health Record
  12. SR 7 Card - Maryland Student Exit Record
  13. PS 16 - Request for Information Form
  14. PS 26 - Permission to Release Information
  15. PS 46 Card - Permanent Record Card
  16. PS 70 - Notification of Receipt and Compliance
- CC. Technical Site Visits - Local schools selected for periodic site review (visits) to audit student records, assess record management practices and the implementation of compliance mandates.
- DD. Written Informed Consent – a written statement from the parent/guardian, eligible or emancipated student authorizing PGCPS to release student



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records in response to a third party request. The written informed consent must include the following:

1. A description of the records to be collected, maintained or released;
2. The name and position (if applicable) of the individual(s) who may access the records;
3. The purpose of the records collection, maintenance or release;
4. The date; and
5. The signature of the parent/guardian or adult student.

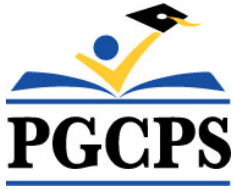
### V. PROCEDURES:

The Chief Executive Officer (CEO) is responsible for the administration of policies and procedures related to student records and their confidentiality. The CEO delegates responsibility to the Chief of Special Education and Student Services and the Chief Operating Officer to ensure principals and key staff members are trained annually on standards and procedures related to the maintenance and the confidentiality of student records, and responsibilities as the Custodian of Records for the local school.

#### A. Principal's Duties

The principal is the official custodian of all school records and must:

1. Collect, maintain, disseminate, store, retain and dispose of individual student records in accordance with the law and these procedures.
2. Ensure confidentiality of active and inactive student records in their schools.
3. Ensure the appropriate staff member follows the graduation certification guidance prior to certifying a student for graduation.
4. Verify and certify annually the accuracy of student data maintained in their records as stipulated by state law.
5. Establish a Student Records Management Team to ensure that records are monitored, reviewed, updated, certified, disseminated, archived and destroyed in accordance with PGCPS procedures. The team should include staff such as an administrator, records secretary, testing coordinator, special education coordinator/chair, professional school counselor, pupil personnel worker, ESOL coordinator, school psychologist and nurse.



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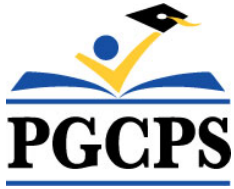
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6. Maintain and monitor education records throughout the school year. The Principal or administrator designee must assign the appropriate qualified personnel to undertake records management and maintenance responsibilities during the absence of school records team member(s). School staff members must be cross-trained to assume the responsibilities of the records secretary.
7. Ensure proper documentation is collected from parents/guardians during the summer by twelve (12) month secretaries to handle record secretary's responsibilities.
8. Notify parents/legal guardians at the beginning of each school year of their rights under FERPA to:
  - a. Inspect and review the student's education records within forty-five (45) days per federal legislation. However, PGCPS grants access within three (3) business days after receiving the request.
  - b. Request an amendment of the student's educational record that the parent/legal guardian or eligible student believes is inaccurate, misleading or otherwise in violation of the student's rights under FERPA.
  - c. Provide written consent before the school discloses personally identifiable information (PII) from the student's record, except to the extent that FERPA authorizes disclosure without consent per 34 CFR 99.31.
  - d. File a complaint with the U.S. Department of Education concerning alleged violation(s) of FERPA by a PGCPS school or school employee.
  - e. "Opt-out" of permitting PGCPS to disclose directory information without prior written notice within five (5) business days of receiving the annual notification.

### B. Category I and II Data

Data contained in individual student school-based records is continuous and cumulative from grades pre-kindergarten through twelfth. There are two categories of data which may be contained in an individual student school-based record.





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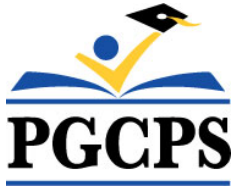
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1. Category I Data
  - a. Category I Data must be maintained for all students. At minimum, this data shall consist of the following:
    - (1) Personal and family demographic information
    - (2) Enrollment, attendance and program placement information/data
    - (3) Annual Early Childhood through Secondary School Performance Data
    - (4) Standardized Assessment Data Information
    - (5) School Discipline Information/Data
    - (6) Release of Information forms
    - (7) Interscholastic Athletic Forms and Information
    - (8) Student records (SR) cards and electronic student records (ESR) cards.
  - b. PGCPS may make modifications that are consistent with the requirements of the Maryland State Department of Education (MSDE).
  - c. Examples of additional Category I data include individual reading tests and/or scores; PGCPS transcripts and transcripts from other schools; notes from parents regarding special student needs; student requests for release time or four-year waivers; educational plans; educational online program documentation; talented and gifted screening documents; counselor notations; transfer letters, school instructional team (SIT) meeting notes, agendas and sign in sheets (refer to AP 5124); Grade Change Authorization Form(s) (refer to AP 5116, AP 5121.1, AP 5121.2, and AP 5121.3) and supplemental documentation; notices of student suspension or other disciplinary data.
2. Category II Data
  - a. Category II Data is defined as restricted confidential information that is maintained in the Limited Access Folder (LAF) or the electronic document and/or information management system.
  - b. Category II Data consists of certain confidential reports, to be obtained only with the written informed consent of the parent/guardian or adult student, unless a FERPA exception



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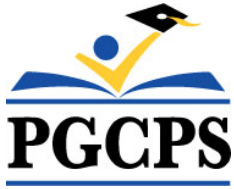
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- applies permitting release of the information without prior written consent.
- c. Examples of Category II Data are inclusive of, but not limited to: psychological or psychiatric reports; all Special Education documentation; Section 504 Plans; the Functional Behavior Assessment (FBA); Behavior Intervention Plan (BIP) information; court documents (protective orders, guardianship documents, subpoenas, surrogate appointments and termination documentation, adoption documentation, legal name change, legal gender change); homelessness documents; and social histories.
  - d. Category II Data also includes both student health information and mental health assessments. The confidentiality of student health information is protected under the Health Insurance Portability and Accountability Act, (HIPAA, 1996). Health data may be maintained in an electronic document management system (EDRM) such as the School Health Electronic Records (SHERe) system. The EDRM is considered the official health record repository for PGCPS. School Health Records may be affixed with an electronic signature. Electronic signatures must be validated through a trusted certificate authority (CA).
  - e. Additionally, Category II Data may include Bullying, Harassment or Intimidation Reporting and Investigation Forms (AP 5143); Gang Activity and Similar Destructive or Illegal Behavior, Reporting and Investigation Form (AP 5142); Child Abuse and Neglect Reporting Forms (AP 5145); and reportable community offense records per Maryland Code, Education Article section 7-303. This data must be housed in the principal’s office in a confidential file.
3. Collection, maintenance, dissemination, storage, retention and disposition of individual student school-based records
- a. The school principal is responsible for the collection, maintenance, dissemination, storage, retention and disposition of accurate and relevant individual student school-based records.



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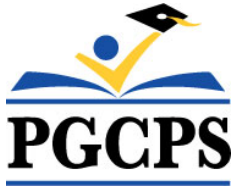
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- b. The principal shall conduct an annual review of Category I and II Data in accordance with auditing guidelines that will be provided by the Student Records Office to ensure that the contents are accurate, current, compliant and educationally relevant.
  4. A formal written request must be made to the appropriate custodian of records for Category I and II Data from educational institutions and other entities both within and outside of PGCPS.
  5. Category I and II Data maintained for a given student must contain only personally identifiable information for that student and **MUST NOT** include the name or identifying information of any other student.
  6. The Principal, as Custodian of Records, can delegate the responsibility for the maintenance and amendment of Category I Data. Category I Data must be updated immediately as new information is available. Volunteers may not handle student record information.
  7. All documentation in the Early Intervention Record (EIR), Cumulative Folder EDRM, Student Health Electronic Record (SHERe), and/or Limited Access Folder (LAF) must be reviewed and documented on the Transitional Record Review for Pre K-12 (ST-1001). All records may not have an EIR or LAF.
  8. All student record card data must be complete, accurate and compliant. The Annual School Performance Data Summary Card (SR-3 Card) must be tallied manually or electronically by professional school counselors. The Principal must review and certify the completed card.
  9. The Category I Data entered on the PS 46 Permanent Record Card must be dated by the Recorder. All Category II Data entered into the student's record must be signed and dated by the person authorizing the material in the record.
- C. Record Retention
  1. Category I Data shall be retained at the school until student is age twenty-one, exited with a diploma and the record has been



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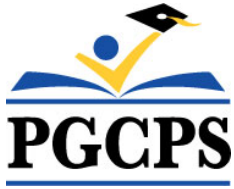
permanently archived. If the student is a non-grad or has been withdrawn, the **entire** record must be retained until it has been permanently archived by Archival Services.

2. A certificate will be issued to the school for all archived records. The certificate must be maintained permanently. The SR1, SR2, SR3, SR3B, University Transcript, SR4, PARCC, Assessment Reporting Tools, DHMH-896, Bridge Plan for Academic Validation/Academic Validation Program (AVP), and the most recent Individualized Education Plan (IEP) and/or Section 504 Plan must be permanently archived. The PS-46 cards MUST be retained permanently at the local school building and shall be permanently archived with the all student records in the event that the building is closed.
3. Category II Data shall be maintained in the student's Limited Access Folder (LAF). The LAF, the Cumulative Folder and the electronic health record must be retained at the school until the student reaches age 21, with the exception of students receiving special education services. The student's school-based records (the LAF, Cumulative Folder and electronic health record) must be retained until age 27 for students receiving special education services and exited with a diploma or certificate of completion. Students who have withdrawn prior to receiving an exit document shall have their records retained for six (6) years after their date of withdrawal.

Records of nonpublic school students that have exited (graduated or withdrawn) will be sent to the student's boundary school, based on the student's last known address.

Bullying, Harassment or Intimidation Reporting and Investigation Forms (AP 5143); Gang Activity and Similar Destructive or Illegal Behavior, Reporting and Investigation Form (AP 5142); Child Abuse and Neglect Reporting Forms (AP 5145); and reportable community offense records must be retained until the student record is archive and a certificate of archival issued.

4. The principal/designee of the last school of enrollment is responsible for retaining the data in accordance with the retention and disposition schedule. In the event of a permanent school closure, the record must be transferred to an appropriate facility for storage.



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### D. Access to Individual Student School-Based Records

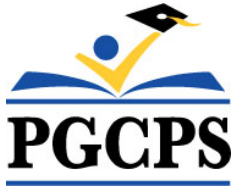
1. All student records are confidential. It is the responsibility of the principal as the official custodian of records to ensure that only authorized persons are permitted to review and receive student records. All Category I and II data must be reviewed in an area with restricted access to ensure confidentiality.

All acts of unauthorized release of student records shall be reported to the Area Office Instructional Director and the Office of Student Records in writing by the Principal immediately upon learning of such unauthorized release.

2. Category I Data shall be available to teachers and other school system personnel immediately involved in the education of the student. A log of review shall be maintained in each student's Cumulative Folder and shall be signed by those reviewing the records. The log of review shall consist of the date, position, reason for reviewing records and signature of the party reviewing the data.
3. Category II Data, found in the Limited Access Folder (LAF), shall be available to teachers and other professional school system personnel immediately involved in the education of the student and with an educational need to know as determined by the principal and/or CEO's designee. A log of review shall be maintained in the student's LAF. The log of review shall consist of the date, position, reason for reviewing records and signature of the party reviewing the data.

### E. Dissemination of Individual Student School-Based Records

1. Category I and II Data shall be immediately transferred within three (3) business days to other Prince George's County public schools in which a student enrolls upon receipt of an official request for records completed by school system personnel. No formal parental notification of such records transfer is required.
2. Category I and II Data may be transferred electronically through an approved and secured information and/or content management system, or with written consent from the parent/guardian.
3. Copies of Category I Data including, but not limited to, disciplinary records, shall be transferred to officials of other non-Prince George's County Public Schools or a non-Maryland school system for which the student intends to enroll or has enrolled upon receipt



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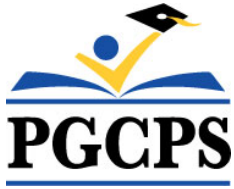
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of an official written request for student information. Records must be sent within three (3) business days from receipt of the request.

- a. Original records are transferred immediately to other Maryland LEAs. A copy of the **entire record** must be maintained until it is permanently archived.
  - b. Private, parochial, and schools outside of the state of Maryland receive a copy of the student's record. The **entire** original record must be maintained until it is permanently archived.
  - c. When students have enrolled in nonpublic schools via the IEP process, all original school records should be sent to the PGCPS Nonpublic Office. **No original record should be sent to the nonpublic school.**
  - d. The transmittal must be recorded in an electronic log. A copy of the transmittal form must be retained for three (3) years.
  - e. The release of any student records, other than those specified above, to any other third party requires the written informed consent of the parent/guardian or eligible student, except in compliance with a court order, subpoena, or other exception under FERPA regulations.  
  
The Notice of Receipt and Compliance (PS-70) must be issued to the parent or eligible student. A copy must be filed in the cumulative folder.
  - f. The Certification of Custodian of Records or Other Qualified Individual form must be completed by a school official and filed in the Cumulative Folder.
4. Copies of Category II Data may be sent to Non-Prince George's County Public Schools or other school systems upon request and does not require the written informed consent (signed release of information form) of the parent/legal guardian, adult student or emancipated student. A Notation of the date the copies were sent must be included on the transmittal.
  5. Federal law recognizes the exception to parental authorization for release of certain information in health and safety emergency



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situations. Principals are directed to contact the Office of School Health in the Department of Student Services or the Department of Security Services for direction in such situations.

In addition, certain authorized agents of the federal, state, and local government may review and receive student records without parental consent pursuant to a search warrant, court order, subpoena, or request for directory information if the parent/guardian has not opted out of sharing the information without consent.

Information may be shared as follows:

- a. Federal, State, County, Local Law Enforcement Agents and County Fire Marshals:

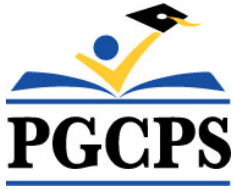
Pursuant to the investigation of a crime, a student's name, address, and attendance, if relevant, as well as the parent's name and address may be released to federal, state, county, local law enforcement agents, or county fire marshals. The principal or designee shall notify the parent/legal guardian verbally, by phone or in person, as soon as possible after such release.

- b. Probation and Parole Officers

Pursuant to a judicial order establishing such supervision, relevant student information may be reviewed by and released to a probation/parole officer. **Parental notification is not required.**

- c. Juvenile Services - Division of Intake

Pursuant to their function as designated officers of the court in cases of school system referrals or petitions, relevant student information may be released to the Department of Juvenile Services-Division of Intake. **Parental notification is not required.** The Principal may contact the Office of the General Counsel for further clarification.



## ADMINISTRATIVE PROCEDURE

### INDIVIDUAL STUDENT SCHOOL-BASED RECORDS

5125

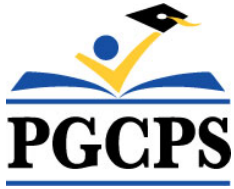
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- d. Department of Social Services – Child Protective Services Unit
  - (1) Pursuant to an investigation regarding alleged child abuse or neglect, relevant student information may be released to the Department of Social Services. **Parental notification is not required.**
  - (2) For all other agency purposes, in the absence of a court order or judicial subpoena, release to Social Services personnel requires prior written parental consent.
  
6. Category I and II Data shall be released in compliance with a judicial order, or pursuant to any lawfully issued subpoena. The parents or eligible students must be notified of such orders or subpoenas in advance, if possible, of the release of data via the Notification of Receipt and Compliance (Form PS-70).
  
7. Category I and II Data shall be released to a third party in accordance with the provisions herein only with notification that such party will not permit any other party to have access to such data without the written informed consent of the parent/guardian or adult student.
  
8. Certain personally identifiable student directory data, specifically limited to the following: student's name; email address; telephone listing; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; honors and awards received; and the most recent school attended may be released. Participation in officially recognized activities and sports, weight and height of members of athletic teams, may be made known to the public through such vehicles as school athletic handbills, school playbills, school newspapers, school yearbooks and social media and may be released to news media. However, parent/guardian or eligible student requests that such data not be released shall be honored.





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## INDIVIDUAL STUDENT SCHOOL-BASED RECORDS

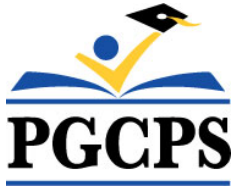
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- F. Access to Individual Student School-Based Records by Parent/Guardian and Student
1. Students age 18 or older
    - a. In accordance with federal and state law, all rights accorded to parents under FERPA shall also be provided to a student who is age 18 or older.
    - b. When a child with a disability reaches 18 years of age, all rights accorded to parents under the IDEA shall transfer to the child if the child has not been adjudged incompetent under State law and there is documentation that:
      - (1) The parents are unavailable or unknown, and the child requests that the parental rights be transferred to the child rather than have a parent surrogate appointed.
      - (2) The parents have not participated in the special education decision-making process for the child after repeated attempts by the school system to involve the parents over the previous year.
      - (3) The parents have affirmatively rejected participation in the special education decision-making process.
      - (4) The parents cannot participate in the special education decision-making process due to prolonged hospitalization, institutionalization, or serious illness or infirmity of one or both of the parents and the parents have consented to the transfer of rights to the child.
      - (5) The parents cannot participate in the special education process due to extraordinary circumstances beyond their control, and the parents have consented to the transfer of rights to the child; or
      - (6) The child is living outside of the parents' home and is not in the care or custody of another public agency.
    - c. If the parents of a child with a disability, with whom the child resides, do not consent to the transfer of rights to the child at the age of 18, and the child has not been adjudged incompetent



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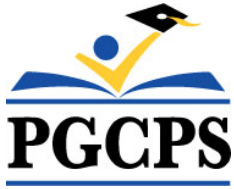
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under State law, either Party may file a due process complaint to determine whether rights should be transferred to the student.

- d. If a child with a disability has been represented by a parent surrogate in accordance with federal and State laws and regulations, the public agency shall provide written notice required under federal and State laws and regulations to both the child and parent surrogate. All other rights afforded the parent surrogate under IDEA shall transfer to the child if the child has not been adjudged incompetent under State law and the child requests that the rights transfer.
2. Parents/guardians, emancipated students, adult students or **parent/guardian representative(s)** that have a signed release of information by the aforementioned shall have access to Category I and Category II Data, including the Limited Access Folder according to the following guidelines:
    - a. Within a period of three (3) school days after a parental request for access, the Principal or designee shall facilitate the process for granting the request to view a student's entire school record.
    - b. The parent/guardian, emancipated student or adult student shall review the student's school record in the presence of an appropriate qualified staff member during the entire review process. The parent/guardian or emancipated student may also choose to have someone present at this review or request that their representative is given access to inspect and review the records. The parent/guardian **must sign a release of information** to give their representative access to the records in their absence.
    - c. Any other person present at the review must have a release of information signed by the parent/guardian or adult student. If the person is an attorney, the principal may delay the record review and contact the Office of the General Counsel for further direction. All parties including the parent/guardian, attorney, and any other person with the parent/guardian will sign the Log of Review prior to reviewing the records. If they refuse to sign the log of review, the review process shall be denied.



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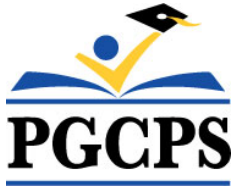
- d. The Principal shall communicate the appropriate procedure within three (3) business days to grant a request by a secondary school student to review their school records with a Professional School Counselor. Certain contents of the Limited Access Folder may be withheld from a student under eighteen (18) years of age if the Principal and parent/guardian feel the student would not benefit from or would be harmed by seeing them.
- e. The parent/guardian or adult student may purchase a copy of any material contained in the student's school record for a charge of thirty (30) cents - per copied page. If a copy is provided, it shall be noted on the log of review. Such fees may be waived in cases of significant, verifiable hardship.

#### G. Requests to Amend Student Records

[Administrative Procedure 5134](#) (FERPA – Annual Notice and Directory Information) contains guidelines for requests by a parent/guardian or adult student to amend student records that are believed to be inaccurate, misleading or otherwise in violation a student's rights under FERPA.

#### H. Legal Gender and/or Name Change

1. The procedures below should be followed if a school receives a request to change a student's record to reflect a change in legal name and/or gender. The appropriate documentation must be submitted as listed:
  - a. An amended birth certificate with new name and/or gender.
  - b. A court order signed by a Magistrate or Judge changing the name and/or gender.
  - c. A government issued photo identification bearing the new name and/or gender.
2. For students who are currently enrolled in PGCPS, the school in which the student is enrolled should make the legal name and/or gender change in the Student Information System (SIS) upon receipt of the required documentation.
3. For students who have exited PGCPS, consideration will be given retroactively for gender and name change on the diploma and high



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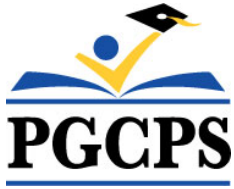
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school transcript of those who have provided the required official documentation.

4. In all cases, the former name/and or gender will be maintained in archival services and the SIS, and considered to be confidential data. This will enable records to be cross-referenced and to maintain student confidentiality. Only the student's official transcript, certificate of completion and/ or high school diploma can be retroactively issued with the name and/or gender changed.
5. When the school system changes a former student's name and gender on an official school record, the school system must:
  - a. Contact MSDE and ask for the Unique Student Identification Specialist in the Division of Curriculum, Assessment and Accountability.
  - b. Request a name and gender change for the student.
  - c. Provide proof of documentation to support the change as stipulated above.
  - d. MSDE will implement the official changes by merging the new name/gender into the existing file.

### **III. MONITORING AND COMPLIANCE:**

- A. The CEO or designee will delegate responsibility for monitoring standards and procedures related to the confidentiality of student records to the Principal.
- B. The Principal is responsible for informing students, staff members and parents annually of the general provisions of this procedure.
- C. Principals are responsible for protecting the confidentiality of all active or inactive student records stored in their schools.
- D. Principals are responsible for reviewing with staff members the standards and procedures related to the confidentiality and disclosure of student records.
- E. Principals shall certify annually the accuracy of student data maintained in student records in their schools as mandated by the Maryland State Department of Education and the school system.
- F. The Department of Student Services in collaboration with other departments and offices is responsible for coordinating and conducting



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annual training on student records management. This office will also schedule both announced and unannounced technical site visits and student record audits.

V. **RELATED MATERIALS AND PROCEDURES:**

(2016) Maryland Student Records System Manual;  
The Pupil Accounting and School Boundaries Student Enrollment Guide;

Administrative Procedure 5118.1 Informal Care Arrangements and the Enrollment of Nonresident Students;

Administrative Procedure 5124, Student Intervention Team (SIT) and Student Support Team (SST);

Administrative Procedure 5125.1, Individual Student Non-School-Based Records;

Administrative Procedure 5125.2, Student Records : Form Management Program;

Administrative Procedure 5134, FERPA Directory Information;

Administrative Procedure 5142, Gangs, Gang Activity and Similar Destructive or Illegal Behavior;

Administrative Procedure 5143, Bullying, Harassment or Intimidation;

Administrative Procedure 5145, Reporting Suspected Child Abuse and Neglect;  
and

Administrative Procedure 10101, Student Rights and Responsibilities Handbook

VI. **LEGAL REFERENCE:**

Code of Maryland Regulations (COMAR) 13A.08.02, Student Records;

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

VII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Division of Student Services and will be updated as needed.

VIII. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 5125, dated December 13, 2019.

IX. **EFFECTIVE DATE:** November 23, 2020