

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

5125
Policy No.

BOARD OF EDUCATION POLICY

STUDENTS

STUDENT INFORMATION AND EDUCATION RECORDS

I. POLICY STATEMENT

- A. The Board of Education of Prince George's County (Board) recognizes the rights of parents to inspect and review their child's education records and the right to have any information which is determined to be inaccurate, or misleading removed from the records upon request. The Board recognizes the right of parents to verify the deletion of their child's student data and records.
- B. The Board further recognizes its responsibility to maintain and dispose of education records in accordance with federal and state law and regulations and to protect education records from disclosure except where federal and state legislation provides for or requires disclosure.
- C. The Board recognizes that efficiently maintained education records provide information that may be used by students, parents/guardians, and professional school personnel for planning educational programs for students while they are in school and for post-secondary opportunities.

II. PURPOSE

The purpose of this policy is to provide guidelines that ensure compliance with federal and State laws for collecting, maintaining, and releasing information about students that is contained in education records.

III. DEFINITIONS

- A. *Confidential* – Private, not intended to be shared with others.
- B. *Confidentiality* – The act of protecting the disclosure of an education record, except as allowed by federal or state law and regulations.

- C. *Directory information* – Information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.
- D. *Disclosure* – Permitting access to, or the release, transfer, or other communication of, personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.
- E. *Education record(s)* –
1. Those records that are:
 - a) Directly related to a student; and
 - b) Maintained by PGCPSS or by a party acting for PGCPSS.
 2. *Education records* include, but are not limited to:
 - a) Records concerning disciplinary actions taken against students; and
 - b) Records relating to a student's attendance and/or employment by PGCPSS. Employment for this purpose does not include activities for which a student received a grade or credit in a course.
 3. *Education records do not include:*
 - a) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
 - b) Community Reportable Offense records;
 - c) Reports of suspected child abuse/child neglect/mental injury;
 - d) State-mandated bullying, harassment, or intimidation reports and investigations;
 - e) Reports of gang-related activity;
 - f) Records of a student's treatment for substance abuse or efforts to obtain treatment for substance abuse; and
 - g) Records of the law enforcement unit of PGCPSS.
- F. *Eligible student* – A student who is 18 years old or older or is attending an institution of post-secondary education.
- G. *Parent* – A natural parent, legal guardian, or an individual acting as a parent in the absence

of the parent or legal guardian.

- H. *Parental consent* – Written permission given by a parent or legal guardian for the purpose of permitting disclosure of education records.
- I. *Personally identifiable information (PII)* – Data or information that includes, but is not limited to:
 - 1. The name of a student;
 - 2. The name of a student’s parent, legal guardian, or other family members;
 - 3. The address of the student or the student’s family;
 - 4. A personal identifier, such as the student’s social security number, student number, or biometric record (which includes, but it not limited to, fingerprints, facial characteristics and handwriting);
 - 5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
 - 6. A list of personal characteristics which would make it possible to identify the student with reasonable certainty;
 - 7. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - 8. Information requested by a person who PGCPs reasonably believes knows the identity of the student to whom the education record relates.
- J. *Public record* – The original or any copy of any documentary material that is made or received by the Board or PGCPs employee in connection with the transaction of public business and is in any form, including, but not limited to, a computerized record or other electronic storage media, correspondence (including printed or electronically stored email messages, video or audio tape, film, microfilm, and microfiche.)

IV. **STANDARDS**

- A. All schools and programs in possession of education records must adhere to this policy, the accompanying administrative procedure, and all applicable laws and regulations, including the Code of Maryland Regulations (“COMAR”) 13A.087.02.
- B. Prince George’s County Public Schools (PGCPs) school recordkeeping and procedures will be in accordance with the Family Educational Rights and Privacy Act (“FERPA”) and its implementing regulations, state law and regulations, and the

Maryland Student Records System Manual.

- C. Education records are to be retained in accordance with Board Policy 0117 – Information Technology Services – Information Security and Board Policy 2600 – Records and Documents Management Program.
- D. PGCPS will advise the parents of current students or eligible students, annually, of their rights under FERPA. The annual notification of rights shall be published in the Student Rights and Responsibilities Handbook.
- E. The Superintendent/designee shall develop a process in accordance with FERPA for parents to inspect and review their child’s education record and request an amendment of their child’s education record.
- F. The Superintendent/designee shall establish a process for schools to review student records for accuracy and relevancy when a student transfers to the next higher level, such as, from elementary to middle school or middle school to high school, and when the student graduates from high school or withdraws for any reason.
- G. Absent an exception under the law, disclosure of personally identifiable information (PII) contained in or derived from the student’s education record to a third party shall not occur unless the parent or the eligible student provides a signed and dated written consent.
- H. PGCPS may disclose personally identifiable information that has been designated as directory information without consent of the parent or eligible student unless the parent or eligible student have opted out of having PGCPS release the student’s directory information.
- I. Parents shall be notified annually of their ability to opt out of the disclosure of their child’s directory information from their child’s education records without prior written consent.
- J. PGCPS shall provide, on request made by a military recruiter or institution of higher education, access to a secondary school student’s name, address, and telephone number, unless the parent or eligible student has provided notification in writing that this information may not be released. The purpose of the release of information is to inform students of educational and career opportunities available in the military and institutions of higher education.
- K. The transfer of students records within PGCPS and to schools where the student seeks to attend shall be handled in accordance with the Maryland State Department of Education’s *Maryland Student Records System Manual* and PGCPS administrative procedures.
- L. All education records shall be treated as confidential in accordance with federal and

state laws and regulations. No staff member shall furnish or use any list of students' names and addresses for the sending of advertising or any other purpose, unless specific approval, in writing, is given in advance by the Superintendent/designee. The Superintendent shall take appropriate disciplinary action against any employee who is found to have committed acts of unauthorized release of student records.

V. IMPLEMENTATION RESPONSIBILITIES

The Superintendent is directed to develop an administrative procedure to implement this policy.

VI. REFERENCES

A. Legal

20 U.S.C. § 1232g, Family Educational Rights and Privacy Act (FERPA)

20 U.S.C. §§ 1400, *et seq.*, Individuals with Disabilities Education Act (IDEA)

20 U.S.C. §§ 6301, *et seq.*, Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015

20 U.S.C. § 7908, Armed Forces Recruiter Access to Students and Student Recruiting Information

42 U.S.C. §§ 1751, *et seq.*, National School Lunch Act (NSLA) 34 CFR Part 99, Family Educational Rights and Privacy

Annotated Code of Maryland, Education Article § 7-111, Access to Military Recruiters

Annotated Code of Maryland, Education Article §§ 7-2101, *et seq.*, Student Data Governance

Annotated Code of Maryland, General Provisions Article § 4-313, Student Records
COMAR 13A.08.02, Student Records

COMAR 13A.08.07, Transfer of Educational Records for Children in State-Supervised Care

B. Other Board Policies

Policy 2600 – Records and Documents Management Program

C. Superintendent's Administrative Procedures

Administrative Procedure 2600 – Records and Documents Management Program

Administrative Procedure 5125 – Individual Student School-Based Records

Administrative Procedure 5126 – Release of Certain Student Information

D. Other

VII. HISTORY

Policy Adopted – 08/26/2024

Policy Reviewed – ___/___/___

Policy Revised – ___/___/___