

ADMINISTRATIVE PROCEDURE

Family Educational Rights and Privacy Act (FERPA) -
Annual Notice and Directory Information

5134

Procedure No.

August 10, 2020

Date

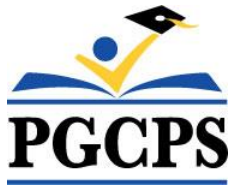
- I. **PURPOSE:** This administrative procedure outlines categories of directory information, which Prince George’s County Public Schools may disclose from a student’s record without prior written parental consent. It also describes the requirements for the annual notice regarding parental and student rights under the Family Educational Rights and Privacy Act (FERPA).
- II. **POLICY:** The Board of Education directs the Chief Executive Officer to develop administrative procedures to ensure only authorized individuals have access to student information and to provide the conditions for disclosing student names and addresses to specified agencies. (Board Policy 5125 and 5126)
- III. **BACKGROUND:** The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires Prince George’s County Public Schools (PGCPS), with certain exceptions, to obtain a parent’s written consent prior to the disclosure of personally identifiable information from a child’s education records. However, PGCPS may disclose appropriately designated “directory information” without written consent, unless a parent has advised the school system to the contrary in accordance with this procedure.

The primary purpose of directory information is to allow PGCPS to include this type of information from a child’s education records in certain school publications. Examples include:

- A playbill, showing a student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised PGCPS that they do not want their student’s information disclosed without their prior written consent.



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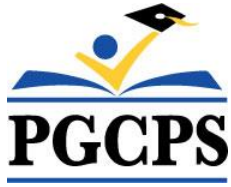
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IV. **DEFINITIONS:**

The following definitions apply to terms used throughout this procedure:

- A. **Consent** – a parent’s signed and dated written permission to allow PGCPS to disclose personally identifiable information from a student’s education record.
- B. **Dates of attendance** - the period of time during which a student attends or attended a school in PGCPS – for example, an academic year or a first quarter. The term does not include specific daily records of a student's attendance at a school.
- C. **Directory information** - information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed.
1. Directory information includes, but is not limited to, the student's name; telephone listing; e-mail address; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; honors and awards received; and the most recent school attended.
 2. Directory information does not include a student's social security number; or student identification (ID) number, except as provided in paragraph 3 below.
 3. A student ID number, user ID, or other unique personal identifier that is displayed on a student ID badge or used by a student for purposes of accessing or communicating in electronic systems may only be regarded as directory information if the number cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.
- D. **Disclose or Disclosure** - to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.



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E. **Education records** - those records that are (1) directly related to a student; and (2) maintained by PGCPS or institution or by a party acting for PGCPS.

1. Education records do not include:

- a. Records that are kept in the sole possession of the maker and are not included in a student's cumulative folder.
- b. Records of the law enforcement unit of PGCPS.
- c. Health records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 1. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 2. Made, maintained, or used only in connection with treatment of the student; and
 3. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of PGCPS's program of instruction.
- d. Records created or received by PGCPS after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- e. Grades on peer-graded papers before they are collected and recorded by a teacher.

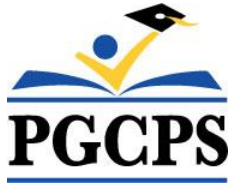
F. **Eligible student** - a student who has reached 18 years of age or has graduated and is attending an institution of postsecondary education.

G. **Legitimate educational interest** - a school official's needs to review an education record in order to fulfill his or her professional responsibility.

H. **Parent** - a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

I. **Personally identifiable information** - includes, but is not limited to:

1. The student's name;



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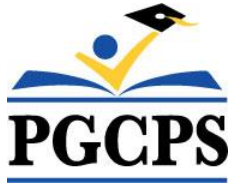
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2. The name of the student's parent or other family members;
 3. The address of the student or student's family;
 4. A personal identifier, such as the student's social security number, student number, or biometric record;
 5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
 6. 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
 7. Information requested by a person who PGCPS reasonably believes knows the identity of the student to whom the education record relates.
- J. **Record** - any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- K. **School official** - a person employed by PGCPS as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement personnel). The term also includes a member of the Board of Education.
- A contractor, consultant, volunteer, or other party to whom PGCPS has outsourced institutional services or functions may also be considered a “school official” provided that they are performing an institutional service or function for which PGCPS would otherwise use employees and is under the direct control of PGCPS with respect to the use and maintenance of education records.
- L. **Student** - any individual who is or has been in attendance at a PGCPS school and regarding whom PGCPS maintains education records.

V. **PROCEDURES:**

A. **Rights of Parents**

PGCPS shall give full rights under FERPA to either parent, unless PGCPS has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody



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that specifically revokes or limits these rights.

B. Rights of Students

1. When a student becomes an eligible student, the rights accorded to, and consent required of, parents under FERPA transfer from the parents to the student.
2. This procedure does not prevent PGCPS from disclosing education records, or personally identifiable information from education records, to a parent without the prior written consent of an eligible student if the disclosure meets the following conditions:
 - i. The disclosure is to parents of a student who is dependent for IRS tax purposes;
 - ii. The disclosure is in connection with a health or safety emergency, as defined under FERPA; or
 - iii. The disclosure meets the conditions for any other provision of FERPA regulation 34 CFR §99.31(a).

C. Annual Notice

PGCPS shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA and this procedure.

1. The annual notice shall be provided via letter by the school principal/designee, included in the Student Rights and Responsibilities Handbook and posted on the PGCPS website (www1.pgcps.org).
2. Upon request, the notice delivery shall be modified if needed for a parent or eligible student with a disability, or parents who have a primary or home language other than English.
3. The notice must inform parents or eligible students that they have the right to:
 - i. Inspect and review the student's education records;
 - ii. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading,



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or otherwise in violation of the student's privacy rights;

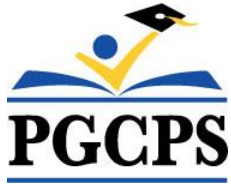
- iii. Consent to disclosures of personally identifiable information contained in the student's education records, to the extent that FERPA and this procedure authorize disclosure without consent; and
 - iv. File with the U.S. Department of Education a complaint under 34 CFR §§99.63 and 99.64 concerning alleged failures by PGCPS to comply with FERPA requirements.
4. The notice must also include all of the following:
- i. The procedure for exercising the right to inspect and review education records, as provided in Administrative Procedure 5125;
 - ii. The procedure for requesting amendment of records, as provided in Administrative Procedure 5125; and
 - iii. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

D. Directory Information

1. Categories

PGCPS has designated the following information as directory information:

- Student's name
- Telephone listing
- Email address
- Participation in officially recognized activities and sports
- Honors and awards received
- The most recent school attended
- Dates of attendance
- Grade level
- Student ID number, user ID, or other unique personal identifier that cannot be used to access education records without a PIN, password, etc. (Note: A student's social security number, in



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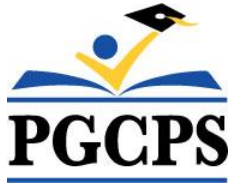
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whole or in part, cannot be used for this purpose.)

2. Unless a parent opts out of sharing this information:
 - a. Teachers and school staff may post or share a student's honors or awards received without obtaining prior parental consent; and
 - b. Teachers and school staff may post or share information such as a student's test score or grades if the information is "de-identified" in such a way that makes it unlikely that an individual can identify the student. For example, a teacher may choose random numbers, symbols, etc. to identify the students and keep that list private. However, a student's identification number, social security number, class or seat number may not be used for these purposes.
3. Parent's Right to Opt Out
 - i. If a parent does not want PGCPS to disclose directory information from a child's education records without prior written consent, the parent must notify the school principal/designee in writing within **five (5) business days** of receiving the annual notification.
 - ii. The parent's opt out shall be honored for one school year. The parent must re-submit the opt-out notice upon receipt of the annual notification in subsequent school years.

E. Requests to Amend Student Records

1. In accordance with Administrative Procedure 5125, if a parent or eligible believes the student's education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, the parent may ask the school principal in writing to amend the record.
2. The school principal will provide a written response to the parent's request within five (5) school days of receipt.
3. If the parent wishes to appeal the school principal's decision, the parent may file a written appeal within five (5) school days to the Area



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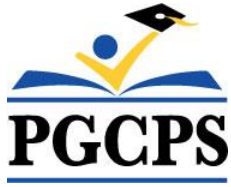
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Superintendent.

4. If the parent wishes to appeal the Area Superintendent's decision, the parent may file a written request a hearing within five (5) school days with the Office of Appeals, which serves as the Chief Executive Officer's designee.
5. The Office of Appeals shall schedule a hearing with the parent to address concerns regarding the contents of a student's education record in a reasonable time, not to exceed 30 days of receipt of the hearing request.
6. If, as a result of the hearing, the Office of Appeals decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall: (i) amend the record accordingly; and (ii) inform the parent or eligible student of the amendment in writing.
7. If, as a result of the hearing, the Office of Appeals decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the Office of Appeals, or both.
8. If the Office of Appeals places a statement in the education records of a student under subparagraph (6) above, PGCPS shall:
 - i. Maintain the statement with the contested part of the record for as long as the record is maintained; and
 - ii. Disclose the statement whenever it discloses the portion of the record to which the statement relates.

VI. MONITORING AND COMPLIANCE

- A. The Division of Student Services shall ensure that information regarding this procedure is included annually in the Student Rights and Responsibilities Handbook.



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- B. School principals shall ensure that a parent’s “opt-out” notification is recorded in SchoolMax and that a copy of the opt-out is maintained in the student’s file for at least three (3) years.
- VII. **RELATED PROCEDURES**: Administrative Procedure 5125, Individual Student School-Based Records
- VIII. **LEGAL REFERENCE**: Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. §1232g; 34 C.F.R. Part 99 (FERPA Regulations); COMAR 13A.08.02 *et seq.*
- IX. **MAINTENANCE AND UPDATE OF THESE PROCEDURES**: This Administrative Procedure will be maintained by the Office of Student Records, Transfers and Archival Services and updated as needed.
- X. **CANCELLATIONS AND SUPERSEDURES**: This procedure cancels and supersedes the version dated June 1, 2016.
- XI. **EFFECTIVE DATE**: August 10, 2020

Attachment:

- FERPA Annual Notification