

Related Entries: (Not identified at this time)

Student Records

The School Board and the Superintendent affirm their responsibility for establishing student records procedures compliant with federal and state law. Student records are defined by Federal Law, Florida Statute and State Board Rules. Personnel who handle student records are responsible for being aware of those laws, which this Policy implements and supplements.

- (1) **Annual Notification** of FERPA and Florida rights as to Student Records – An annual notice of parents and eligible students’ rights under FERPA regarding student records shall be published in the Codes of Conduct for Students. This annual notice to parents/guardians and eligible students shall include, but not be limited to, the following:
 - (a) Right of access, right of waiver of access, right to challenge and hearing, and right of privacy
 - (b) Notice of the location and availability of this Policy; the designation of certain non-school District agency personnel as “other school officials” who may have a “legitimate educational interest” in student records information
 - (c) A statement that the School Board has a policy of supporting the law regarding rights relating to student records; the types of information and data generally entered in the student records as maintained by the School Board; and the procedures to be followed in order to exercise such rights.
 - (d) Any other matters required by law.
- (2) **Access to Records** - Parents/ guardians and eligible students shall be granted access to their or this student’s records within 30 days after receipt of a written request to the school district or school. The right to access student records by the parent/guardian or eligible student includes the right, upon request, to be shown any record or report relating to the student maintained by the District and that, upon a reasonable request, the school shall furnish such parent or student with an explanation or interpretation of any such record or report.
 - (a) Both parents’ right of access will be honored by the school unless there is a binding legal document or court order on file at the school specifically denying the right to one or both parents.

44 (b) A parent or eligible student shall have the right, upon request, to be shown
 45 any record or report relating to that student and maintained by any public
 46 educational institution. However, if the record or report includes information
 47 on more than one student, the parent or eligible student shall be entitled to
 48 receive, or be informed of, only the part of the record that pertains to the
 49 student who is the subject of the request; the other students' information
 50 must be redacted.

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 52 (3) **Fees**

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 54 (a) A minimal fee of no more than the actual cost of producing the records,
 55 which may not reflect the cost of the labor to retrieve the records, may be
 56 charged when the District is providing a copy of a student record to a parent
 57 or is providing a student record to a non-parent either with the consent of the
 58 parent or pursuant to court order or subpoena. The fee may not be charged if
 59 it would deny availability of the record to the parent or eligible student. The
 60 principal will make arrangements for access and notify the parent or eligible
 61 student of the time and place where the records may be inspected.

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 63 (b) When fees are authorized under section (3)(a) above, the School District
 64 shall furnish the parent a copy or certified copy (upon request) of any student
 65 record upon payment of the fees prescribed below. Wherever the term
 66 "actual cost" appears in this fee schedule, it will mean the cost of the material
 67 and supplies used to duplicate the record, but it does not include the labor
 68 cost or overhead cost associated with such duplication.
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| Type of Record Duplicated | Fee |
|-------------------------------------|-------------------------------|
| Legal or Letter Size Page, One Side | \$0.15 |
| Legal or Letter Size, Two Sides | \$0.20 |
| Audio or video tape | Actual Cost (\$3.00 - \$5.00) |
| Computer Diskette | Actual Cost (approx. \$0.45) |
| CD | Actual Cost |
| Transcript | \$1.00 |
| Certified Copy | \$1.00 |

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 72 (4) **Waiver** - Parents and eligible students have the right to waive the confidentiality of
 73 access to letters, statements of recommendation or evaluation for that student.
 74 Such waivers may not be required as a condition for admission to, receipt of
 75 financial aid from, or receipt of any other services or benefits from, any public
 76 agency or public educational institution in this state. The waiver is valid only if in
 77 writing and signed by the eligible student or parent/guardian of the student, as
 78 appropriate. The waiver may be revoked in writing with respect to actions occurring
 79 after the revocation. The School District may not require that eligible students or the
 80 parent /guardian of students waive any rights.
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- 82 (5) **Release of Student Records** - The School District may not permit the release of
83 confidential student records, reports, or information without the written consent of
84 the student's parent/guardian, or of the eligible student, to any individual, agency or
85 organization, except as allowed by law. Personally, identifiable records or reports of
86 a student may be released without the consent of the student or the student's
87 parent, to certain persons or organizations, including to school officials and other
88 school officials with a legitimate educational interest.
89
- 90 (6) **Access by other school officials**
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- 92 (a) A school official is a person employed by the School District as an
93 administrator, supervisor, instructor, or support staff member (including
94 health or medical staff and law enforcement unit personnel); a person
95 serving on the School Board; a person or company with whom the District
96 has contracted to perform a special task, such as an attorney, auditor,
97 medical consultant, or therapist.
98
- 99 (b) A school official has a legitimate educational interest if the official needs to
100 review an education record in order to fulfill his or her professional
101 responsibility.
102
- 103 (c) Interagency agreements, which may provide for the exchange of
104 information about students, may be negotiated with the Lee County Health
105 Department, the Children's Home Society, the Department of Children and
106 Families, the Department of Juvenile Justice and other agencies in specific
107 circumstances where agency personnel have a legitimate educational
108 interest in students jointly served, and brought to the School Board for
109 approval. Such agency personnel would therefore be designated as "other
110 school officials" who may have a "legitimate educational interest" in student
111 records information.
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- 113 (7) **Prior Written Consent:** Where prior written consent of the eligible student or the
114 parent/guardian, as appropriate, is required:
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- 116 (a) The written consent required must be signed and dated and shall include:
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- 118 1. Specification of the records to be disclosed
 - 119 2. The purposes of the disclosures
 - 120 3. The party or class of parties to whom a disclosure is to be made
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- 122
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- 124 (b) Personally identifiable information shall be disclosed only on the condition
125 that the party to whom the information is disclosed shall not disclose the
126 information to any other party without prior written consent of the eligible
127 student or the parent or guardian of the student, as appropriate. Personally
128 identifiable information which is disclosed to an institution, agency or

- 129 organization may be used by its officers, employees and agents, but only for
130 the purpose for which the disclosure was made.
131
- 132 (c) Whenever written consent is required, the school district shall presume that
133 the eligible student or the parent or guardian of the student, as appropriate,
134 giving consent has the authority to do so unless the district has been
135 provided with evidence that there is a legally binding instrument, or state law
136 or court order governing such matters as divorce, separation, or custody
137 which provides to the contrary.
138
- 139 (d) A record shall be maintained of requests and disclosures of personally
140 identifiable information from the education records. Records of requests and
141 disclosures do not have to be maintained when the disclosure is to the
142 eligible student or to the parent or guardian of the student, when the
143 disclosure is based on written consent, when the disclosure is directory
144 information, or when the disclosure is to other school officials with a
145 legitimate educational interest. The record of requests for disclosure shall
146 include but are not limited to:
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- 148 1. The parties who have requested or obtained personally identifiable
149 information; and
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 - 151 2. The legitimate interests of the persons requesting or obtaining the
152 information.
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- 154 (e) The School District may disclose personally identifiable information from an
155 education record to appropriate parties, including parents/guardians or an
156 eligible student, in connection with an emergency if knowledge of the
157 information is necessary to protect the health or safety of the student or other
158 individuals. The criteria for such a determination shall include:
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- 160 1. The seriousness of the threat to the health or safety of the student or
161 eligible student or other individuals;
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 - 163 2. The need for the information to meet the emergency;
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 - 165 3. Whether the parties to whom the information is disclosed are in a
166 position to deal with the emergency; and
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 - 168 4. The extent to which time is of the essence in dealing with the
169 emergency.
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- 171 (f) Following the disclosure of personally identifiable information in the case of a
172 health or safety emergency, the following information must be recorded:
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- 174 1. The articulable and significant threat to the health or safety of a
175 student or other individuals that formed the basis for the disclosure.

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2. The parties to whom the information was disclosed.

(8) **Directory Information**

- (a) The School District reserves the right to release directory information without obtaining prior written consent from the parent/guardian of a student or the eligible student. The parent/guardian or eligible student may notify the district that directory information about the student may not be released. Such notification shall be in writing through return of the information page included in the Codes of Conduct for Students, and shall be filed annually.
- (b) The parent/guardian or eligible student may exercise the right to opt out of disclosure of directory information by returning the Directory information page from the Code of Conduct for Students within two weeks of the first day of the school year or within two weeks of entry into the School District.

(9) **Contents of Educational Records** - The School District is responsible for the records of all students who attend, or have attended, schools in this District. Only records mandated by the State or Federal government and necessary and relevant to the function of the School District shall be contained in the student's cumulative educational record.

Each school shall maintain a permanent cumulative record for each student enrolled in the school which shall contain the data as prescribed by State Board of Education Rule 6A-1.0955. Each student's cumulative record shall include the following types of data:

- (a) **Category A Records, Permanent Information**
 1. Student's full legal name
 2. Authenticated birth date, place of birth, race, ethnicity and sex
 3. Last known address of the student
 4. Names of the student's parent or guardian
 5. Name and location of last school attended
 6. Number of days present and absent, date enrolled, date withdrawn
 7. Courses taken and record of achievement, such as grades, units, or certification of competence
 8. Date of graduation or date of program completion.

- 223 (b) Category B Records, Temporary Information – Information will include, but
 224 not be limited to:
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 226 1. Health information, family background data, standardized test scores,
 227 educational and vocational plans, honors and activities, work
 228 experience reports, teacher/counselor comments
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 230 2. Reports of student services or exceptional student staffing committees
 231 including all information required by §1001.42, F.S.
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 233 3. Correspondence from community agencies or private professionals
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 235 4. Driver education certificate
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 237 5. A list of schools attended
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 239 6. Written agreements of corrections, deletions or expunctions as a
 240 result of meetings or hearings to amend educational records
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242 (10) **Location of Educational Records** - Student cumulative folders will be maintained
 243 at the following locations:
 244

| Type of Record | Location | Custodian | Address |
|---|----------------------|-----------------------------------|------------------------------------|
| Active Student Records | School Attending | Principal of School Attending | As shown in local directory |
| Graduates within one year of graduation date | Last School Attended | Principal of Last School Attended | As shown in local directory |
| Graduates with anniversary date of more than one year | District Office | Superintendent or designee | Lee County Public Education Center |
| Inactive Student Records due to withdrawal from School District | District Office | Superintendent or designee | Lee County Public Education Center |

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 246 (11) **Amendment of Educational Records**
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- 248 (a) A parent, guardian or eligible student may request an amendment of
 249 education records when they believe the student record is inaccurate,
 250 misleading, or in violation of their privacy. This request must be made in
 251 writing to the custodian of the educational record, clearly identifying the part
 252 of the record the request addresses, and specifying the reason for the
 253 request.
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- 255 (b) If the custodian of the record decides not to amend the record as requested
256 by the parent/guardian or eligible students, the custodian of the record will
257 notify the requestor in writing of the decision and advise him or her of his or
258 her right to a hearing regarding the request for amendment, with a copy to
259 the Superintendent or his designee.
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- 261 (c) Upon request of either party, a formal hearing shall be held. The hearing will
262 be requested, in writing, within ten (10) days of the written notice of denial, to
263 the Superintendent or his designee, who will appoint a hearing officer who
264 will be an employee of the School District with no direct interest in the
265 outcome of the hearing. The hearing officer will schedule the hearing, and
266 render a decision in writing within ten (10) days of the conclusion of the
267 hearing. The hearing will be held within a reasonable period of time, no
268 longer than thirty (30) days following the request for the hearing.
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- 270 (d) Following the hearing, if the decision continues to be not to amend the
271 records, the parent/guardian or eligible student has the right to insert a
272 statement of disagreement in the record. Additionally, the original request for
273 amendment will be placed in the student file.
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276 **STATUTORY AUTHORITY:** 1001.42, 1001.52, 1002.22, and 1003.25, F.S.; SBER
277 6A-1.0955; and 34 CFR Part 99
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279 Adopted: 10/19/10