

Related Entries: (Not identified at this time)

Student Records

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

(1) Definitions

- A. "Education records" means records that are directly related to a student and that are maintained by the District or a party acting for or on behalf of the District, as defined in 20 U.S.C. Section 1232g(a)(4).
- B. "Eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.
- C. "Parent" or "parents" includes parents or guardians of students who are or have been in attendance at a school or institution.
- D. "Personally identifiable information" or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to, direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes 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.
- E. "Student" means any individual who is or has been in attendance in a District school and regarding whom the District maintains education records.
- F. "Therapeutic treatment plan" means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.
- G. "Therapy progress notes" means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.

46 H. "Third-party vendor" or "Third-party service provider" means any entity, whether
47 public or private, that provides services to the Board through a contract or
48 agreement. The term does not include the Florida Department of Education or
49 the Department's contractors and subcontractors.

50
51 (2) Maintenance of Student Records

52
53 The Board is responsible for the records of all students who attend or have attended
54 schools in this District. Only records mandated by the State or Federal government
55 and necessary and relevant to the function of the School District or specifically
56 permitted by this Board shall be compiled by District employees.

57
58 Each school shall maintain a permanent cumulative record for each student enrolled
59 in the school which shall contain the data as prescribed by F.A.C. 6A-1.0955 and
60 this policy.

61
62 Information contained in student education records shall be classified as follows:

63
64 A. Category A Records, Information for each student which shall be kept current
65 while the student is enrolled and retained permanently in the manner prescribed
66 by F.S. 1001.52

- 67 1. Student's full legal name.
- 68 2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
- 69 3. Last known address of the student.
- 70 4. Name(s) of the student's parent(s) or guardian(s).
- 71 5. Name and location of last school attended.
- 72 6. Number of days present and absent, date enrolled, date withdrawn.
- 73 7. Courses taken and record of achievements, such as grades, credits, or
74 certification of competence.
- 75 8. Date of graduation or date of program completion.
- 76 9. Records of requests for access to and disclosure of personally
77 identifiable information from the student's educational records.

78
79 B. Category B Records, Information which is subject to periodic review and
80 elimination when the information is no longer useful in the manner prescribed
81 by F.S. 1001.52

82
83
84
85
86
87
88
89
90
91

- 92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and career plans, honors and activities, work experience reports, and teacher comments.
 2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.
 3. Correspondence from community agencies or private professionals.
 4. Discipline records.
 5. School Environmental Safety Incident Reports (SESIR) collected under F.S. 1006.07.
 6. Threat assessments done by the threat assessment team pursuant to F.S. 1006.07, subject to the following:
 - a. Transient or Substantive Threats

Threat assessments determined to be transient or substantive, as defined in F.A.C. 6A-1.0018, are Category B records and shall be maintained in a student's file as long as determined useful by a threat assessment team, pursuant to F.S. 1006.07 and F.A.C. 6A-1.0018.
 - b. Non-Threats

In order to protect students from stigma and unintended consequences, reported threats which are determined by a threat assessment team not to be a threat at all, meaning the threat does not rise to the level of transient or substantive, may be maintained by the threat assessment team, but must not be maintained in a student's file, unless one of the following conditions are met:

 1. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student's file; or
 2. The threat assessment team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student.

Such determination and reasoning for maintaining the record must be documented with the non-threat finding.

Where such a determination is made, the threat assessment

139 team must re-evaluate the decision on an annual basis to
 140 determine if the record is no longer useful. The student’s age
 141 and length of time since the original assessment must be
 142 considered in those evaluations.

- 143
- 144 7. A list of schools attended.
- 145
- 146 8. Written agreements of corrections, deletions, or expunctions as a result
 147 of meetings or hearings to amend educational records.
- 148
- 149 9. Academic and behavioral intervention services.
- 150
- 151 10. Psychological evaluations.
- 152
- 153 11. Therapeutic treatment plans and therapy progress notes.
- 154
- 155 12. Such other records of educational importance as the school shall deem
 156 necessary.
- 157
- 158 13. Records designated for retention by the Florida Department of State in
 159 General Records Schedule GS7 for *Public Schools Pre-K - 12, Adult*
 160 *and Vocational/Technical*.

161

162 Category A and B records shall be maintained in compliance with the approved
 163 District records retention schedule.

164

165 Individual exceptional student records shall be kept separate from regular
 166 cumulative records. These records shall be sent to each succeeding school the
 167 student attends in the District and shall be maintained in accordance with the
 168 approved District records retention plan.

169

170 Periodic review for elimination of outdated information in student records by the
 171 custodian or designees shall be made in accordance with F.S. 1001.52, and the
 172 approved District records retention plan. The custodian of the student records shall
 173 be responsible for maintaining the accuracy of information by purging student
 174 records in accordance with the General Records Schedule for Public Schools (GS-
 175 7). Explanations placed in the education record and the record of access shall be
 176 maintained for as long as the education record to which it pertains is maintained.
 177 This procedure must be implemented before records are released to any
 178 vocational-technical centers, community colleges, or institutions of higher learning
 179 in which the student seeks or intends to enroll.

180

Type Record	Location	Custodian	Address
Active and inactive student records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory

Inactive student cumulative records (Category A) as specified in the current Records Manual for the District	Central District office	Superintendent or designee	Records Management Educational Services Facility
Individual exceptional student education records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory
Individual student psychological records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory

181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

(3) Limitation on Collection and Retention of Certain Information

The District shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term “biometric information” means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

The District shall not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

(4) Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by the District must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons

215 as the parent or eligible student authorizes in writing, a court of competent
216 jurisdiction or to other individuals or organizations as permitted by law.

217
218 Schools may, without consent of parents, guardians, or eligible students, provide
219 access to school officials to perform an administrative, supervisory, or instructional
220 task, or to perform a service or benefit for the student or the student's family, and
221 psychologists within the School District providing they have a legitimate educational
222 interest. Support employees may be designated by the principal for the purpose of
223 doing clerical work and maintaining student records. However, such persons shall
224 receive in-service training concerning the confidentiality of student records and work
225 under the supervision and control of an administrative staff member.

226
227 Whenever a student has attained eighteen (18) years of age, the permission and
228 consent required of and rights accorded to the parents of the student as to student
229 records maintained by the District, shall thereafter be required of and accorded to the
230 eligible student only, unless the eligible student is a dependent of their parents as
231 defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. The
232 School District may, in this instance, disclose personally identifiable information
233 from the education records to the parents without the prior consent of the eligible
234 student.

235
236 Whenever a student has enrolled in a postsecondary institution, regardless of age,
237 the permission and consent required of and rights accorded to the parents of the
238 student as to student records maintained by the postsecondary institution shall
239 thereafter be required of and accorded to the eligible student only. However, if the
240 student is not eighteen (18) years of age, then the permission and consent required
241 of and rights as to the student's records maintained by the District shall be retained
242 by the parents.

243
244 The custodian of the student record shall permit the eligible student or the parents
245 or guardians of the student who is or has been in attendance in the School District
246 to inspect and review the education records of the eligible student or student.
247 Provisions for such inspection and review shall be made within a reasonable period
248 of time of the request, but in no case shall be more than thirty (30) days after the
249 request has been made.

250
251 The District presumes that the eligible student or either parent of the student has the
252 right to inspect, review, and receive copies of the education records of the student
253 or eligible student unless the Board, its staff, or the individual school has been
254 provided a legally binding instrument or court order governing such matters as
255 divorce, separation, or custody which provides to the contrary.

256
257 In instances where records are opened to parents, guardians, or eligible students,
258 schools shall make available a member of the professional staff to interpret the
259 record and shall provide copies, upon request and payment of the current District
260 copy rate, which shall not exceed the maximum rate for copies of public records as
261 set forth in F.S. Chapter 119.

262
263
264
265
266

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval. The fee may not be charged if it would deny availability to the parent or eligible student.

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 Disk	Actual Cost (approx. \$0.45)
CD	Actual Cost
Transcript	\$1.00
Certified Copy	\$1.00

267
268
269
270
271
272
273
274

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

275
276
277
278
279
280

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

281
282
283
284
285
286

- A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
- B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

287
288
289

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

290
291
292
293
294
295
296
297

(5) Court Request of Records

298
299
300

- A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the Principal is unable to notify prior to the time for compliance set forth in the court order, they shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.
- B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or their parent if the student is either a minor and not attending an institution of postsecondary education or a

301 dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal
302 Revenue Code of 1954), is notified of the order or subpoena in advance of
303 compliance therewith by the educational institution or agency.
304

305 The Superintendent may, in writing, authorize access to student records to
306 representatives of the Federal, State, or local educational authorities.
307

308 (6) Hearing Procedure to Correct Student Records
309

310 Whenever a parent, guardian, or eligible student believes the content of the student
311 record is inaccurate, misleading, or in violation of their privacy, they may request in
312 writing an informal meeting with the custodian of the record for the purpose of
313 requesting the correction, deletion, or expunction of any inaccurate, misleading, or
314 otherwise inappropriate data or material contained in the student record.
315

316 If the parties at the informal meeting agree to make deletions, to expunge material,
317 or to add a statement of explanation or rebuttal to the file, such agreement shall be
318 reduced to writing and signed by the parties, and the appropriate school officials
319 shall take the necessary actions to implement the agreement. If an agreement is
320 not reached, denial of the request and notification of the right to a formal hearing
321 shall be made in writing to the parent, guardian, or eligible student with a copy to
322 the Superintendent or designee.
323

324 Upon the request of a parent, guardian, or eligible student, a formal hearing shall
325 be held. Such hearing shall be requested, in writing, within ten (10) days of the
326 written notice of denial at the informal meeting, to the Superintendent or designee,
327 who shall appoint a hearing officer who shall be any official of the school system
328 with no direct interest in the outcome of the hearing. The hearing officer shall
329 convene and conduct the hearing and shall render a decision in writing to all
330 concerned parties within ten (10) days of the conclusion of the hearing. Such
331 hearing shall be held within a reasonable period of time but in no case shall be
332 held more than thirty (30) days from the date of the written request.
333

334 The parents, guardian, eligible student, and officials of the school shall be afforded
335 a full and fair opportunity to present evidence relevant to the issues raised. The
336 hearing shall be recorded and available to all parties. However, the record of such
337 hearings are exempt from disclosure under F.S. Chapter 119.
338

339 If the decision of the hearing officer is that the records are not inaccurate,
340 misleading, or otherwise in violation of privacy rights, the parent, guardian, or
341 eligible student shall be allowed to comment in writing on the information in the
342 education record and set forth any reasons for disagreeing with the decision. This
343 written response shall be filed in the education records of the student.
344

345 (7) Disclosure of Personally Identifiable Information (PII)
346

347 Notwithstanding any other provision in this policy, student education records shall
348 not be disclosed to any person, public body, body politic, political subdivision, or
349 agency of the Federal government except when authorized by State or Federal law
350 or in response to a lawfully issued subpoena or court order. In accordance with
351 State law, student education records are exempt from the provisions of F.S.
352 Chapter 119.

353

354 A. Prior Written Consent

355

356 1. Prior written consent of the parent, guardian, or eligible student shall be
357 obtained prior to disclosing personally identifiable student information
358 other than directory information. The written consent shall include:
359 signature of the parent, guardian, or eligible student; date; specification
360 of records or information to be disclosed; purpose of the disclosure; and
361 the party or class of parties to whom a disclosure is to be made.

362

363 2. Disclosures of personally identifiable student information will be made
364 only on the condition that the party or parties to whom the information is
365 disclosed shall not disclose the information to any other party without
366 prior written consent of the parent, guardian, or eligible student, as
367 appropriate. Personally identifiable student information which is disclosed
368 to an institution, agency, or organization may be used by its officers,
369 employees, and agents, but only for the purpose for which the disclosure
370 was made. The District presumes the parent, guardian, or eligible student
371 has the authority to grant permission for disclosure of personally
372 identifiable student information unless the District has been provided with
373 evidence that there is a legally binding instrument or State law or court
374 order governing such matters as divorce, separation, or custody which
375 provides to the contrary.

376

377 B. Without Prior Written Consent

378

379 Personally identifiable information or records of a student may be released to
380 the following persons or organizations without the prior written consent of the
381 student or the student's parent or guardian:

382

383 1. Officials of schools, school systems, career centers, or public
384 postsecondary educational institutions in which the student seeks or
385 intends to enroll; and a copy of such records or reports shall be furnished
386 to the parent or student upon request.

387

388 2. Other school officials, including teachers within the educational institution
389 or agency, who have a legitimate educational interest in the information
390 contained in the records.

391

392 3. The United States Secretary of Education, the Director of the National
393 Institute of Education, the Assistant Secretary for Education, the

394 Comptroller General of the United States, or State or local educational
395 authorities who are authorized to receive such information subject to the
396 conditions set forth in applicable Federal statutes and regulations of the
397 United States Department of Education, or in applicable State statutes
398 and rules of the State Board of Education.

399
400 The disclosed records must be used to audit or evaluate a Federal or
401 State supported education program, or to enforce or comply with Federal
402 requirements related to those education programs. A written agreement
403 between the parties is required under this exception. (see Form 8330
404 F16)

405
406 This written agreement must include:

- 407
- 408 a. designation of the receiving individual or entity as an authorized
409 representative;
 - 410
 - 411 b. specification of the information to be disclosed;
 - 412
 - 413 c. specification that the purpose of the disclosure is to carry out an audit
414 or evaluation of a government- supported educational program or to
415 enforce or comply with the program's legal requirements;
 - 416
 - 417 d. a summary of the activity that includes a description of the
418 methodology and an explanation of why personally identifiable
419 information is necessary to accomplish the activity;
 - 420
 - 421 e. a statement requiring the organization to destroy all personally
422 identifiable information when it is no longer needed to carry out the
423 audit or evaluation, along with a specific time period in which the
424 information must be destroyed; and
 - 425
 - 426 f. a statement of policies and procedures that will protect personally
427 identifiable information from further disclosure or unauthorized use.

428
429 Under the audit exception, the District will use reasonable methods to
430 verify that the authorized representative complies with FERPA
431 regulations. Specifically, the District will verify, to the greatest extent
432 practicable, that the personally identifiable information is used only for the
433 audit, evaluation, or enforcement of a government-supported educational
434 program. The District will also ascertain the legitimacy of the audit or
435 evaluation and will only disclose the specific records that the authorized
436 representative needs. Further, the District will require the authorized
437 representative to use the records only for the specified purpose and not
438 to disclose the information any further, such as for another audit or
439 evaluation. Finally, the District will verify that the information is destroyed
440 when no longer needed for the audit, evaluation, or compliance activity.

441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487

4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.
5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study.

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

6. Accrediting organizations, in order to carry out their accrediting functions.
7. School Readiness programs as provided in State law in order to carry out their assigned duties
8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.

- 488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
 10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
 11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.
 12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
 13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well supervised educational programs supplemented by a coordinated overlay of other appropriate

535 services designed to correct behaviors that lead to truancy,
536 suspensions, and expulsions, and that support students in successfully
537 completing their education. Information provided in furtherance of such
538 interagency agreements is intended solely for use in determining the
539 appropriate programs and services for each juvenile or the juvenile's
540 family, or for coordinating the delivery of such programs and services,
541 and as such is inadmissible in any court proceedings prior to a
542 dispositional hearing unless written consent is provided by a parent or
543 other responsible adult on behalf of the juvenile.

544
545 14. Consistent with the Family Educational Rights and Privacy Act, the
546 Department of Children and Families or a community-based care lead
547 agency acting on behalf of the Department of Children and Families, as
548 appropriate.

549
550 15. Parents of a dependent student as defined by the Internal Revenue
551 Service Tax Code of 1986 and in this policy.

552
553 16. Directory information as specified in this policy.

554
555 17. If the District initiates legal action (a lawsuit) against a parent, or if the
556 parent initiates legal action against the District. In such circumstances,
557 the District may disclose to the court, without a court order or subpoena,
558 the education records of the student that are relevant for the District to
559 proceed with legal action as the plaintiff or to defend itself.

560
561 18. If the release is to the Attorney General of the United States or to his/her
562 designee in response to an ex parte order in connection with the
563 investigation or prosecution of terrorism crimes specified in Sections
564 2331 and 2332 of Title 18, U.S. Code.

565
566 Under this exception, school officials are not required to record (i.e., on
567 an access log) the disclosure of information from a student's education
568 record when the school makes pursuant to an ex parte order.

569
570 Further, an educational institution that, in good faith, produces
571 information from education records in compliance with an ex parte order
572 shall not be liable to any person for that disclosure.

573
574 19. If the release is otherwise permitted under Federal law.

575
576 C. Records of Disclosures

577
578 Record of any requests or disclosures of personally identifiable student
579 information shall be maintained except for disclosures to the parent, guardian,
580 or eligible student; disclosure of directory information; or to any other school
581 officials with a legitimate educational interest. The record of requests for

582 disclosure shall include the following: the parties who have requested or
583 obtained personally identifiable student information, the legitimate interests
584 of the persons requesting or obtaining the information, and date
585 parental/eligible student consent was obtained.

586
587 With regard to such disclosures, a school official is determined to be any
588 employee of the School Board of Lee County, Florida, with direct responsibility
589 for providing services to students. A legitimate educational interest is
590 determined to mean responsibility for providing direct educational services to
591 students which will include teaching, counseling, psychological services, or
592 other services to students which require access to personally identifiable
593 information and/or those specified in the law.

594
595 D. Disclosure – Health or Safety Emergencies

596
597 Disclosure of personally identifiable student information may be made by
598 school officials in the event of a health or safety emergency. Such emergency
599 situations shall be declared in writing to the Superintendent by a recognized
600 legal official with authority to declare such emergency. The declaration of a
601 health or safety emergency shall include the need for specific personally
602 identifiable student information, the time requirements for the information,
603 and the parties to whom the information is disclosed who are responsible for
604 utilizing the information to deal with the emergency.

605
606 (8) Directory Information

607
608 The District shall make available, upon request, certain information known as
609 directory information without prior permission of the parents or the eligible student.
610 Directory information may be released to certain school publications and to
611 companies with legitimate school businesses such as school pictures, class rings,
612 new media announcements, etc. The District shall charge fees for copies of
613 designated directory information as provided in State law. Directory information
614 means information contained in an education record of a student that would not
615 generally be considered harmful or an invasion of privacy if disclosed. The Board
616 designates as student directory information: a student's name; photograph;
617 address; telephone number, if it is a listed number; e- mail address; date and place
618 of birth; participation in officially-recognized activities and sports; height and
619 weight, if a member of an athletic team; dates of attendance; grade level;
620 enrollment status; date of graduation or program completion; awards received; and
621 most recent educational agency or institution attended. Designation of directory
622 information shall occur at a regularly scheduled Board meeting. At the meeting,
623 the Board shall consider whether designation of such information would put
624 students at risk of becoming targets of marketing campaigns, the media, or
625 criminal acts.

626
627 An annual written notice shall be given to inform parents, guardians, and eligible
628 students of their rights of access, waiver of access, challenge and hearing, privacy,

629 categories of personally identifiable student information designated as directory
630 information data, and the location and availability of the District's policy on
631 education records of students. Alternate methods of notice shall be made for
632 parents, guardians, or eligible students unable to comprehend a written notice in
633 English. Parents or eligible students may, by providing a written statement to the
634 principal within two (2) weeks of the first day of the school year or entry into the
635 school system request that all specific portions of directory information for that
636 specific student not be released.

637
638 Directory information shall not be provided to any organization for profit-making
639 purposes, unless the request is approved, in a nondiscriminatory manner, by the
640 Superintendent.

641
642 In accordance with Federal law, the District shall release the names, addresses,
643 District-assigned e-mail addresses (if available), and telephone listings of students
644 in grades ten through twelve (10-12) to a recruiting officer for any branch of the
645 United States Armed Forces or an institution of higher education who requests
646 such information. Such data shall not be released if the eligible student or student's
647 parents submit a written request not to release such information. The recruiting
648 officer is to sign a form indicating that any information received by the recruiting
649 officer shall be used solely for the purpose of informing students about military
650 service and shall not be released to any person other than individuals within the
651 recruiting services of the Armed Forces. The Superintendent is authorized to
652 charge mailing fees for providing this information to a recruiting officer. A
653 secondary school student or parent of the student may request that the student's
654 name, address, District-assigned e-mail address (if available), and telephone
655 listing not be released without parental consent.

656
657 Whenever parental consent is required for the inspection and/or release of a
658 student's health or educational records or for the release of directory information,
659 either parent may provide such consent unless agreed to otherwise in writing by
660 both parents or specifically stated by court order. If the student is under the
661 guardianship of an institution, the Superintendent shall appoint a person who has
662 no conflicting interest to provide such written consent.

663
664 (9) Transfer of Student Records

665
666 A. The transfer of records must be made immediately upon written request of an
667 eligible student, a parent or a receiving school. The Principal must transfer a
668 copy of all Category A and Category B information and must retain a copy of
669 Category A information; however, student records which are required for audit
670 purposes for programs listed in F.S. 1010.305, must be maintained in the
671 District for the time period indicated in F.A.C. 6A-1.0453.

672
673 The transfer of education records must not be delayed for nonpayment of a
674 fee or fine assessed by the school.

675

676 B. The transfer of records of students who transfer from school to school must
 677 occur within three (3) school days of receipt of the request for records from
 678 the new school or district, or receipt of the identity of the new school and
 679 district of enrollment, whichever occurs first. Student records must contain
 680 verified reports of serious or recurrent behavior patterns, including
 681 substantive and transient threat assessments and intervention services, and
 682 psychological evaluations, including therapeutic treatment plans and therapy
 683 progress notes created or maintained by District staff.

684
 685 Non-threats as described in F.A.C. 6A-1.0955 must not be transferred with a
 686 student's educational record unless one of the conditions set forth in F.A.C.
 687 6A-1.0955(6)(b)1. and 2. are met.

688
 689 If applicable, the records to be transferred shall also include:

- 690
 691 A. verified reports of serious or recurrent behavior patterns, including threat
 692 assessment evaluations and intervention services; and
 693
 694 B. psychological evaluations, including therapeutic treatment plans and therapy
 695 or progress notes created or maintained by School District or charter school
 696 staff, as appropriate.

697
 698 The records shall be transferred within three (3) school days of receipt of a written
 699 request from the principal or designee of the receiving school, the parent, guardian,
 700 or eligible student.

701
 702 While all reasonable efforts shall be made to collect for damaged or lost library
 703 books or textbooks, under no conditions shall the transfer of a student's cumulative
 704 record be delayed or denied for failure to pay any fine or fee assessed by the
 705 school. Progress reports to parents (report cards) may not be withheld for failure
 706 to pay any fine, fee, or an assessment for lost or damaged books.

707
 708 (10) Procedures

709
 710 The Superintendent shall develop administrative procedures to ensure that students
 711 and parents are adequately informed each year regarding their rights to:

- 712
 713 A. inspect and review the student's educational records;
 714
 715 B. request amendments if the parent believes the record is inaccurate,
 716 misleading, or otherwise in violation of the student's privacy rights;
 717
 718 C. consent to disclosures of personally identifiable information contained in the
 719 student's educational records, except to those disclosures allowed by the law;
 720
 721 D. challenge District noncompliance with a parent's or eligible student's request
 722 to amend the records through a hearing;

- 723
724 E. file a complaint with the Department of Education;
725
726 F. obtain a copy of the District's policy and administrative procedures on student
727 records.
728

729 The Superintendent shall also develop, and update as needed, procedures for:

- 730
731 A. the proper storage and retention of records including a list of the type and
732 location of record;
733
734 B. informing District employees of the Federal and State laws concerning student
735 records.
736

737 The District is authorized to use the microfilm process or electromagnetic processes
738 of reproduction for the recording, filing, maintaining, and preserving of records.
739

740 No liability shall attach to any member, officer, or employee of this District specifically
741 as a consequence of permitting access or furnishing student records in accordance
742 with this policy and procedures.
743

744 (11) Additional Safeguards for Student Education Records
745

- 746 A. Any entity receiving personally identifiable information pursuant to a study,
747 audit, evaluation or enforcement/compliance activity must comply with all
748 FERPA regulations. Further, such an entity must enter into a written contract
749 with the Board delineating its responsibilities in safeguarding the disclosed
750 information. Specifically, the entity must demonstrate the existence of a
751 sound data security plan or data stewardship program, and must also provide
752 assurances that the personally identifiable information will not be re-disclosed
753 without prior authorization from the Board. Further, the entity conducting the
754 study, audit, evaluation or enforcement/compliance activity is required to
755 destroy the disclosed information once it is no longer needed or when the
756 timeframe for the activity has ended, as specified in its written agreement with
757 the Board. See Form 8330 F14 and Form 8330 F16 for additional contract
758 requirements.
759

- 760 B. Required use of online educational services by students and parents
761

762
763 In order to protect a student's PII from potential misuse and in order to protect
764 students from data mining or targeting for marketing or other commercial
765 purposes, the Board requires the review and approval of any online
766 educational service that students or their parents are required to use as part
767 of a school activity (1) regardless of whether there is a written agreement
768 governing student use, (2) whether or not the online educational service is
769 free, and (3) even if the use of the online educational service is unique to

- 770 specific classes or courses. The following requirements also apply to online
771 educational services:
772
- 773 1. The Superintendent is responsible for reviewing the online educational
774 service's terms of service and privacy policy for compliance with State
775 and Federal privacy laws, including FERPA and its implementing
776 regulations, the Children's Online Privacy Protection Act (COPPA), 15
777 U.S.C. 6501-6506, and F.S. 1002.22;
778
 - 779 2. The Superintendent is responsible for the review and approval of online
780 educational services that will be required for students to use;
781
 - 782 3. Parents and eligible students will be notified in writing any time they are
783 required to use an online educational service that collects student PII;
784
 - 785 4. If student PII will be collected by the online educational service, parents
786 and eligible students will be provided notification regarding the
787 information that will be collected, how it will be used, when and how it will
788 be destroyed, and the terms of re-disclosure.
789
 - 790 5. The Board will not utilize any online educational service that will share or
791 sell a student's PII for commercial purposes.
792
 - 793 6. If a student is required to use an online educational service, the Board
794 will include on its website a description of the student PII that may be
795 collected, how it will be used, when it will be destroyed and the terms of
796 re-disclosure. The website will also include a link to the online
797 educational service's terms of service and privacy policy, if publicly
798 available.
799
- 800 C. Contracts or agreements with third-party vendors
801
- 802 1. All contracts or agreements executed by or on behalf of the Board with a
803 third-party vendor or a third-party service provider must protect the
804 privacy of education records and student PII contained therein. Any
805 agreement that provides for the disclosure or use of student PII must:
806
 - 807 a. require compliance with FERPA, its implementing regulations, and
808 F.S. 1002.22;
 - 809 b. where applicable, require compliance with COPPA, 15 U.S.C. 6501-
810 6506, and its implementing regulations;
 - 811 c. ensure that only the student PII necessary for the service being
812 provided will be disclosed to the third party;
813
814
815

- 816 d. prohibit disclosure or re-disclosure of student PII unless one of the
817 conditions set forth in F.A.C. 6A-1.0955(11)(b) has been met.
818
- 819 2. Contracts or agreements with a third-party vendor or third-party service
820 provider may permit the disclosure of student PII to the third party only
821 where one or more of the following conditions has been met:
822
- 823 a. the disclosure is authorized by FERPA and 34 CFR §99.31;
824
- 825 b. the disclosure is authorized by the Board's directory information
826 provisions set forth in this policy and implemented in accordance
827 with FERPA and 34 CFR §99.37; or
828
- 829 c. the disclosure is authorized by written consent of an eligible student
830 or parent. Consent must include, at a minimum, an explanation of
831 who the student PII would be disclosed to, how it would be used, and
832 whether re- disclosure is permitted. Any re-disclosure must meet
833 the requirements of F.A.C. Rule 6A-1.0955(11)(b) and this policy.
834

835 (12) Request for Student Social Security Numbers at enrollment
836

837 When a student enrolls in a District school, the District shall request that the student
838 provide their social security number and shall indicate whether the student
839 identification number assigned to the student is their social security number. A
840 student satisfies this requirement by presenting his/her social security card or a
841 copy of the card to a school enrollment official. However, a student is not required
842 to provide their social security number as a condition for enrollment or graduation.
843

844 **STATUTORY AUTHORITY:** 1001.41, 1001.52, 1002.22, 1002.221, 1002.222, and
845 1003.25, F.S.; Chapter 119, F.S.; SBER 6A-1.0955; 1232F
846 – 1232, 7908, and 1400 et eq., Individual with Disabilities
847 Act, 20 U.S.C. (FERPA); 152, 20 U.S.C.; Privacy Rights of
848 Parents and Students - P.L. 90-247; No Child Left Behind
849 Act of 2001 - P.L. 107-110; and 2021 Solomon Amendment:
850 Subtitle C – General Service Authorities and Correction of
851 Military Records SEC. 521

852 Adopted: 10/19/10

853 Revised: 1/24/23