

STUDENT RECORDS

1. **Purpose.**-- The Governing Board and President affirm their responsibility for establishing student records procedures compliant with law, including Fla. Stat. § 1002.22, State Board of Education Rule 6A-1.0955, 20 U.S.C. 1232g, and 34 C.F.R. Part 99. Personnel who handle student records are responsible for being acquainted with those laws, which this Policy implements and supplements.
2. **Annual Notice of FERPA Rights.**-- An annual notice of parents' (and adult students') rights under Fla. Stat. § 1002.22, regarding student records, shall be published in the Student and Family Handbook. This annual notice shall include, but is not limited to, the following
 - a. Right of access, right of waiver of access, right to challenge and hearing (pursuant to Policy 5.19), and right of privacy;
 - b. Notice of the location and availability of this Policy on education records; and
 - c. The designation of certain non-School District agency personnel as "other school officials" who may have a "legitimate educational interest" in student records information.
 - d. A statement that the School Board has a policy of supporting the law on rights relating to student records; the types of information and maintained by any public educational institution. However, if the record or report includes information on more than one pupil, the parent or adult student shall be entitled to receive, or be informed of, only the part of the record that pertains to the student who is the subject of the request; the other pupils' information must be redacted.
 - e. Any other matters required by law.
3. **Types of Student Records and Their Location** -- Student education records include the Cumulative Record folder kept for each child at the school center as stated below in subparagraph (3)(c). This folder contains personal student information, student grades, and test results. The District shall maintain student information as required by SBER 6A-1.0955 (3)(a)3 and may retain student information as set forth in SBER 6A-1.0955 (4).
 - a. The following education records may be maintained to facilitate instruction guidance and educational progress of students and adults enrolled in this School District. The student's information can be found at the school center and the student's cumulative record folder includes the student's legal name. Proof of birth information, last known address, name of parent/guardian, location of last school attended, days absent/present, and date withdrawn and date enrolled, courses taken, record of achievement, date of graduation or withdrawal. Additional student information retained at a school center may include: health and background data, extracurricular information, guidance information, standardized test scores, educational and career plans, honors, work experience and teacher comments, exceptional student staffing information, list of schools attended, driver education certificate, correspondence from private or community agencies, written agreements of corrections, deletions or expunctions of records and discipline records.
 - b. Other records that fall within the definitions in federal law. Fla. Stat. 31002.22 (2) (c) & (d), or SBER 6A-1.0955 (2)(a) are also deemed student records for purposes of confidentiality protections
 - c. Records are kept by the school's records custodian and school's Principal at the last school attended or graduated from for 3 years. Records are then sent to the Records Management Department of the school district Records Management can be contacted at (561) 434-8951. These records also appear on TERMS within the district's mainframe. School addresses are available on the District's website

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4. **Access by Parents and Adult Students**-- Parents and adult students shall be granted access to that student's records within 30 days after receipt of a request by the School/District. The right to access student records by the parent or eligible student includes the right, upon request, to be shown any record or report relating to such student maintained by the School/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. Copies of any list, record or report requested under the provisions of Fla. Stat. 6 1002.22(3) shall be furnished to the parent or student upon request
- 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.
 - b. A parent or adult student shall have the right, upon request, to be shown any record or report relating to that student and maintained by any public educational institution. However, if the record or report includes information on more than one pupil, the parent or adult student shall be entitled to receive, or be informed of, only the part of the record that pertains to the student who is the subject of the request; the other pupils' information must be redacted.
 - c. A minimal fee based on the fee schedule below, may be if charged for these copies, when the School District is providing a record not usually provided a parent, is providing a large quantity of documents, is providing documentation to a non-parent either with the consent of the parent or pursuant to court order or subpoena or is a duplication of a record previously provided. However, the fee shall not exceed the actual cost to the School District for providing the copies and cannot be charged if it would deny availability of the records to the parent. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected
 - d. Fee Schedule --Schedule of Fees -- When fees are authorized under section (4)(c) above, the School/District shall furnish the parent a copy or certified copy of any student record upon payment of the fees prescribed below. Wherever the term "actual cost" appears in this Schedule, it shall mean "the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication,"

TYPE OF RECORD DUPLICATED FEES

Legal page, one side	\$0.15
Letter page, one side	\$0.15
Legal page, double-sided	\$0.20
Letter page, double-sided	\$0.20
Audio tape	Actual cost (approx. \$3.00 per tape)
Video tape	Actual cost (approx. \$5.00 per video)
Computer diskette	Actual cost (approx. \$0.45 per diskette)
Computer tape (cartridge)	Actual cost (approx. \$5.35 per tape)
CD	Actual cost
Computer tape (Round)	Actual cost (approx. \$1 0.00 per tape)

ADDITIONAL SERVICES FEES

Certified copy charge \$1 .00

Other Types of Copies -- For any copies not listed above, the charge shall be limited to the actual cost of duplication

5. **Waiver** - Parents and adult students have the right to waive the right of access to letters or statements of recommendation or evaluation for that student. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state

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- a. Such waiver shall apply to recommendations or evaluations only if:
 - i. the parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements. And
 - ii. such recommendations or evaluations are used solely for the purpose for which they were specifically intended
 - b. NOTE: The waiver shall include but not be limited to access to confidential letters or statements. The waiver shall not be valid unless in writing and signed by the adult student or the parent or guardian of the pupil, as appropriate. The waiver may be revoked in writing with respect to actions occurring after the revocation. The School/District may not require that adult students or the parent or guardian of pupils waive any other rights under F.S. 6 1002.22.
6. **Disclosures and Exemption from Public Records Requests.**—Student records are confidential and exempt from the Public Records Act. That is, personally identifiable records or reports of a student. Any personal information contained therein. is confidential and exempt from Florida's Public Records Statute. They cannot be obtained through public records requests. Even student records that have been redacted to obscure personally-identifiable information remain confidential and exempt from the Public Records Act pursuant to Florida State University v. Hafton, 672 So. 2d 576, 580 (Fla. 1st DCA 1996). However, when a personnel investigative report or litigation records contains any personally-identifiable student information, "all student identifying information [shall] be redacted from the report prior to it being released." Johnson v. Deluz, 875 So. 2d 1 (Fla. 4th DCA 2004). See also Fla. AGO 2006-21.
7. **Release of Student Records** -- The School/District may not permit the release of confidential student records. reports. or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as eligible to any individual, agency or organization, except as allowed by law. Personally identifiable records or reports of a student may be released, however, without the consent of the student or the student's parent to certain persons or organizations, including school officials and other officials with a legitimate educational interest, as well as under other conditions stated within Fla. Stat. 6 1002.22 (3)(d).
8. **Written Consent** --Where prior written consent of the adult student or the parent or guardian of a student, as appropriate, is required written consent may be obtained by the following
- .a. The written consent required must be signed and dated and shall include:
 - i. Specification of the records to be disclosed;
 - ii. The purposes of the disclosures, and
 - iii. The party or class of parties to whom a disclosure is to be made.
 - a. Personally identifiable information shall be disclosed only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the pupil, as appropriate. Personally identifiable information, which is disclosed to an institution, agency or organization, may be used by its officers, employees and agents, but only for the purpose for which the disclosure was made.
 - b. Whenever written consent is required, the School/District shall presume that the adult student or the parent or guardian of the student, as appropriate, giving consent has the authority to do so unless the School/District has been provided with evidence that there is a legally binding instrument or state law or court order governing such matters as divorce, separation or custody which provides to the contrary.
 - d. When disclosure is made through prior written consent, if a parent or eligible student so requests, the School/District shall provide him or her with a copy of the records disclosed; and if the parent of a student who is not an eligible student so requests, the School/District shall provide the student with a copy of the records disclosed

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- e. A record of requests and disclosures of personally identifiable information from the education records, shall be maintained and kept with the education records of the student. Such record of access shall be available only to parents and to the school official and his/her assistants who are responsible for the custody of such records. Records of requests and disclosures do not have to be maintained when the disclosure is to the adult student or to the parent or guardian of the pupil, when the disclosure is based on written consent, or when the disclosure is to School/ District officials or other school officials with a legitimate educational interest. The record of requests for disclosure shall include but is not limited to the following:
 - i. The parties who have requested or obtained personally identifiable information; and
 - ii. The legitimate interests of the persons or entities requesting or obtaining the information..

9. **Access by "Other School Officials."**—*South Tech Charter Academy, Inc. will honor joint agreements, which provide for the exchange of information about students that may be negotiated by the Palm Beach School District*, with the Palm Beach County Health Department, the Florida Department of Health, the Health Care District of Palm Beach County, the Children's Services Council of Palm Beach County, the Florida Department of Children and Families, and other agencies in specific circumstances where agency personnel have a legitimate educational interest in students jointly served, and brought to the Board for approval, and such agency personnel are therefore designated by the Board as "other school officials" who may have a "legitimate educational interest" in student records information, pursuant to the Board's authority under 34 C.F.R. § 99.31(a)(1); 34 C.F.R. § 99.7(3)(iii); and Fla. Admin. Code R. 6A-1.0955(6)(h).
- a. As required Fla. Stat. § 1002.22(3)(d)2, the agreement with such agencies shall specify that the agency shall impose safeguards to limit access only to those personnel "who have legitimate educational interests in the information contained in the records." Legitimate educational interests are defined as the need to review an education record in order to fulfill the employee's professional responsibilities and complete job duties in performing an official task that requires access to information in the education records of students jointly served.
 - b. Moreover, pursuant to State Board of Education Rule 6A-1.0955(6)(g), such inter-agency agreements shall allow personally-identifiable student information to be disclosed to such agencies "only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the pupil, as appropriate."
 - c. The scope and extent of legitimate educational interests that "other school officials" have will vary depending on the purpose of their need for access. For example, a yearbook vendor hired to publish a school's yearbook will have a very limited scope of student information in which he/she has legitimate educational interests: only the amount needed to complete the task under contract. By contrast, an attorney retained by the School District to defend a case would have a much greater scope of legitimate educational interests-in many cases, it could include the entire student records file, when such access is needed to fulfill the attorney's professional responsibility. The School District has the sole authority to determine the scope of legitimate educational interests held by "other school officials."
 - d. Pursuant to the Board's authority under 34 C.F.R. § 99.31(a)(1); 34 C.F.R. § 99.7(3)(iii); and Fla. Admin. Code Rule 6A-1.0955(6)(h), the District hereby designates "other school officials" who shall be deemed to have a "legitimate educational interest" in student records information.
 - i. The Palm Beach District Board designates such "school officials" to include an administrator, supervisor, instructor, or support staff member (including health or medical staff and school police, a university student who is placed in a school under a Professional Development School Partnership or student-teaching internship), or a School Board member, who needs to access student records information in order to carry out his or her official duties or fulfill his/her professional responsibility.

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- ii. "Other school officials" shall also include persons such as: the District's health care partners and other governmental and social agencies jointly serving students, to the extent student records information is needed to provide and/or evaluate health services and governmental/social services to students; a person or company with whom the school has contracted or partnered to perform a special task (such as a class ring or yearbook vendor under contract with the school, or an attorney, auditor, nurse, psychologist, medical consultant, or therapist under contract with the District); and a parent or student or other person serving on an official committee (such as a disciplinary or grievance committee) or assisting another school official in performing his or her tasks; or an official of a charter school of this District (to access name/address mailing labels of District students to the extent legitimately needed for recruiting purposes and only upon agreement not to re-disclose the information to third parties.

10. Transfer of Records

- a. The Academy and School District will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, upon request of those officials.
- b. The Board recognizes that federal law requires the Academy and District to "facilitate the transfer of disciplinary records, with respect to a suspension or expulsion . . . to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school." 20 U.S.C. § 7165(b)

11. Access by Military Recruiters and Institutions of Higher Learning.-- Because the Academy and District Boards do not have a directory information Policy, information that many school districts have designated as "directory information" will be released only upon written parental consent. However, as part of the No Child Left Behind Act of 2001, Congress has required that school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) must give military recruiters access to certain directory information.

- a. The Board recognizes that federal law (20 U.S.C. § 7908(a)(1)) now requires that high schools "shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings." This requirement is also found in 10 U.S.C. § 503(c)(1)(A)(ii). The information will be used for military recruiting purposes and other legitimate purposes such as informing students of scholarship opportunities at institutions of higher learning. Parental consent is not required before providing the information to recruiters and postsecondary institutions or colleges, although parents may "opt out."
- b. In accordance with those laws, military recruiters are entitled to receive the name, address, and telephone listing of high school students, unless the parent or student have advised the school that they do not want the student's information to be disclosed without specific prior written consent.
- c. Parents will be notified of the right to opt out in the School District's Family Student Handbook and New and Returning Student Registration form.
- d. "A secondary school student or the parent of the student may request that the student's name, address, and telephone listing . . . not be released without prior written parental consent" to military recruiters or institutions of higher learning. 20 U.S.C. § 7908(a)(2). Therefore, If a high school student or parent does not want the school or the District to disclose one or more of these categories of information (name, address, or telephone) to military recruiters or officials of institutions of higher learning without prior written consent, the parent or student must notify the school principal in writing within 10 days after the annual distribution of the Student and Family Handbook

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12. **Production of Student Records Pursuant to a Subpoena or Court Order.**-- If a party to litigation presents a subpoena or court order for release of student records, the District shall ensure that the "student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency." Fla. Stat. § 1002.22(3)(d)11.
- a. As stated in 34 C.F.R. §99.31(a)(9)(ii), the purpose of this notice is to allow the student and parents to object or seek protective action. Non-party students and parents shall receive 10 days' notice; and students and parents who are a party to the litigation shall receive 5 days' notice.
 - b. Litigants seeking student records should bear in mind that discovery of confidential records is limited by law. The requestor of confidential records must demonstrate "extraordinary necessity" or "exceptional circumstances." See *State, Department of Highway Safety and Motor Vehicles v. Krejci Co. Inc.*, 570 So. 2d 1322, 1324-25 (Fla. 2d DCA 1990); *Henderson v. Perez*, 835 So.2d 390 (Fla. 2d DCA 2003). See also *Florida State University v. Hatton*, 672 So. 2d 576, 580 (Fla. 1st DCA 1996) (requiring a balancing test to determine whether the requestors have a legitimate need that outweighs the students' express, substantial statutory privacy rights in the confidentiality of student information.)
 - c. Moreover, if the court allows discovery of confidential records, it should take "all precaution to ensure the confidentiality of the records." *Krejci Co. Inc.*, 570 So. 2d at 1325. For example, Fla. Admin. Code R. 6A-1.0955(6)(g)2 delineates that: "Personally identifiable information shall be disclosed [by the School District] only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party with out prior written consent of the adult student or the parent or guardian of the pupil, as appropriate." Other appropriate means of safeguarding the information would be: clearing the courtroom if documents are allowed to be submitted at trial; instructing jurors not to re-disclose the information, and sealing such records from public access in court files.
13. **Emergency Disclosure** -- The School District may disclose personally identifiable .student information in health and safety emergencies determined based upon. but not limited to. the following factors:
- a. The seriousness of the threat to the health or safety of the pupil or adult student or other individuals;
 - b. The need for the information to meet the emergency;
 - c. Whether the parties to whom the information is disclosed are in a position to deal with the emergency: and
 - d. The extent to which time is of the essence in dealing with the emergency.

Authority: §§ 1001.32(2); 1001.41(2); 1001.43(8); 1002.22(4), Fla. Stat.

Implemented: § 1002.22, Fla. Stat.; 20 U.S.C. § 12329; 34 C.F.R. Part 99
State Board of Education Rule 6A-1.0955

Reference: Palm Beach District Policy 5.50

History: New: 10/05/2006, 3/ 06/2008, 3/11/2010