

By Senator Cowin

11-1525-00

1 A bill to be entitled
2 An act relating to public records; amending s.
3 228.093, F.S.; providing access to student
4 records by school readiness coalitions and the
5 Florida Partnership for School Readiness;
6 amending s. 402.3015, F.S.; providing an
7 exemption from public-records requirements for
8 records of children in subsidized child-care
9 programs; providing exceptions; providing for
10 future review and repeal; providing a finding
11 of public necessity; creating s. 411.011, F.S.;
12 providing an exemption from public-records
13 requirements for records of children in school
14 readiness programs; providing exceptions;
15 providing for future review and repeal;
16 providing a finding of public necessity;
17 providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (d) of subsection (3) of section
22 228.093, Florida Statutes, is amended to read:

23 228.093 Pupil and student records and reports; rights
24 of parents, guardians, pupils, and students; notification;
25 penalty.--

26 (3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR
27 STUDENT.--The parent or guardian of any pupil or student who
28 attends or has attended any public school, area
29 vocational-technical training center, community college, or
30 institution of higher education in the State University System
31 shall have the following rights with respect to any records or

1 reports created, maintained, and used by any public
2 educational institution in the state. However, whenever a
3 pupil or student has attained 18 years of age, or is attending
4 an institution of postsecondary education, the permission or
5 consent required of, and the rights accorded to, the parents
6 of the pupil or student shall thereafter be required of and
7 accorded to the pupil or student only, unless the pupil or
8 student is a dependent pupil or student of such parents as
9 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue
10 Code of 1954). The State Board of Education shall formulate,
11 adopt, and promulgate rules whereby parents, guardians,
12 pupils, or students may exercise these rights:

13 (d) Right of privacy.--Every pupil or student shall
14 have a right of privacy with respect to the educational
15 records kept on him or her. Personally identifiable records or
16 reports of a pupil or student, and any personal information
17 contained therein, are confidential and exempt from the
18 provisions of s. 119.07(1). No state or local educational
19 agency, board, public school, area technical center, community
20 college, or institution of higher education in the State
21 University System shall permit the release of such records,
22 reports, or information without the written consent of the
23 pupil's or student's parent or guardian, or of the pupil or
24 student himself or herself if he or she is qualified as
25 provided in this subsection, to any individual, agency, or
26 organization. However, personally identifiable records or
27 reports of a pupil or student may be released to the following
28 persons or organizations without the consent of the pupil or
29 the pupil's parent:

30 1. Officials of schools, school systems, area
31 technical centers, community colleges, or institutions of

1 higher learning in which the pupil or student seeks or intends
2 to enroll; and a copy of such records or reports shall be
3 furnished to the parent, guardian, pupil, or student upon
4 request.

5 2. Other school officials, including teachers within
6 the educational institution or agency, who have legitimate
7 educational interests in the information contained in the
8 records.

9 3. The United States Secretary of Education, the
10 Director of the National Institute of Education, the Assistant
11 Secretary for Education, the Comptroller General of the United
12 States, or state or local educational authorities who are
13 authorized to receive such information subject to the
14 conditions set forth in applicable federal statutes and
15 regulations of the United States Department of Education, or
16 in applicable state statutes and rules of the State Board of
17 Education.

18 4. Other school officials, in connection with a
19 pupil's or student's application for or receipt of financial
20 aid.

21 5. Individuals or organizations conducting studies for
22 or on behalf of an institution or a board of education for the
23 purpose of developing, validating, or administering predictive
24 tests, administering pupil or student aid programs, or
25 improving instruction, if such studies are conducted in such a
26 manner as will not permit the personal identification of
27 pupils or students and their parents by persons other than
28 representatives of such organizations and if such information
29 will be destroyed when no longer needed for the purpose of
30 conducting such studies.

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1 6. Accrediting organizations, in order to carry out
2 their accrediting functions.

3 7. School readiness coalitions and the Florida
4 Partnership for School Readiness in order to carry out their
5 assigned duties.

6 ~~8.7.~~ For use as evidence in pupil or student expulsion
7 hearings conducted by a district school board pursuant to the
8 provisions of chapter 120.

9 ~~9.8.~~ Appropriate parties in connection with an
10 emergency, if knowledge of the information in the pupil's or
11 student's educational records is necessary to protect the
12 health or safety of the pupil, student, or other individuals.

13 ~~10.9.~~ The Auditor General in connection with his or
14 her official functions; however, except when the collection of
15 personally identifiable information is specifically authorized
16 by law, any data collected by the Auditor General is
17 confidential and exempt from the provisions of s. 119.07(1)
18 and shall be protected in such a way as will not permit the
19 personal identification of students and their parents by other
20 than the Auditor General and his or her staff, and such
21 personally identifiable data shall be destroyed when no longer
22 needed for the Auditor General's official use.

23 ~~11.a.10.a.~~ A court of competent jurisdiction in
24 compliance with an order of that court or the attorney of
25 record pursuant to a lawfully issued subpoena, upon the
26 condition that the pupil or student and the pupil's or
27 student's parent are notified of the order or subpoena in
28 advance of compliance therewith by the educational institution
29 or agency.

30 b. A person or entity pursuant to a court of competent
31 jurisdiction in compliance with an order of that court or the

1 attorney of record pursuant to a lawfully issued subpoena,
2 upon the condition that the pupil or student, or his or her
3 parent if the pupil or student is either a minor and not
4 attending an institution of postsecondary education or a
5 dependent of such parent as defined in 26 U.S.C. s. 152 (s.
6 152 of the Internal Revenue Code of 1954), is notified of the
7 order or subpoena in advance of compliance therewith by the
8 educational institution or agency.

9 12.11. Credit bureaus, in connection with an agreement
10 for financial aid which the student has executed, provided
11 that such information may be disclosed only to the extent
12 necessary to enforce the terms or conditions of the financial
13 aid agreement. Credit bureaus shall not release any
14 information obtained pursuant to this paragraph to any person.

15 13.12. Parties to an interagency agreement among the
16 Department of Juvenile Justice, school and law enforcement
17 authorities, and other signatory agencies for the purpose of
18 reducing juvenile crime and especially motor vehicle theft by
19 promoting cooperation and collaboration, and the sharing of
20 appropriate information in a joint effort to improve school
21 safety, to reduce truancy, in-school and out-of-school
22 suspensions, to support alternatives to in-school and
23 out-of-school suspensions and expulsions that provide
24 structured and well-supervised educational programs
25 supplemented by a coordinated overlay of other appropriate
26 services designed to correct behaviors that lead to truancy,
27 suspensions, and expulsions, and which support students in
28 successfully completing their education. Information provided
29 in furtherance of such interagency agreements is intended
30 solely for use in determining the appropriate programs and
31 services for each juvenile or the juvenile's family, or for

1 coordinating the delivery of such programs and services, and
2 as such is inadmissible in any court proceedings prior to a
3 dispositional hearing unless written consent is provided by a
4 parent, guardian, or other responsible adult on behalf of the
5 juvenile.

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7 This paragraph does not prohibit any educational institution
8 from publishing and releasing to the general public directory
9 information relating to a pupil or student if the institution
10 elects to do so. However, no educational institution shall
11 release, to any individual, agency, or organization which is
12 not listed in subparagraphs 1.-13.1.-11., directory
13 information relating to the student body in general or a
14 portion thereof unless it is normally published for the
15 purpose of release to the public in general. Any educational
16 institution making directory information public shall give
17 public notice of the categories of information which it has
18 designated as directory information with respect to all pupils
19 or students attending the institution and shall allow a
20 reasonable period of time after such notice has been given for
21 a parent, guardian, pupil, or student to inform the
22 institution in writing that any or all of the information
23 designated should not be released.

24 Section 2. Subsection (10) is added to section
25 402.3015, Florida Statutes, to read:

26 402.3015 Subsidized child care program; purpose; fees;
27 contracts.--

28 (10) The individual records of children enrolled in
29 subsidized child-care programs are confidential and are exempt
30 from the provisions of s. 119.07 and s. 24(a), Art. I of the
31 State Constitution. For the purposes of this subsection,

1 records include assessment data, health data, records of
2 teacher observations, and identifying data, including the
3 child's social security number. A parent, guardian, or
4 individual acting as a parent in the absence of a parent or
5 guardian, has the right to inspect and review the individual
6 subsidized child-care record of his or her child and to obtain
7 a copy of the record. The school readiness coalition and the
8 Florida Partnership for School Readiness shall have access to
9 individual children's records necessary to carry out their
10 assigned duties under ss. 411.01 and 216.136. This exemption
11 is subject to the Open Government Sunset Review Act of 1995 in
12 accordance with s. 119.15 and shall stand repealed on October
13 2, 2005, unless reviewed and saved from repeal through
14 reenactment by the Legislature.

15 Section 3. Section 411.011, Florida Statutes, is
16 created to read:

17 411.011 Records of children in school readiness
18 programs.--The individual records of children enrolled in
19 school readiness programs provided under s. 411.01, when held
20 in the possession of the school readiness coalition or the
21 Florida Partnership for School Readiness, are confidential and
22 exempt from the provisions of s. 119.07 and s. 24(a), Art. I
23 of the State Constitution. For the purposes of this section,
24 records include assessment data, health data, records of
25 teacher observations, and identifying data, including the
26 child's social security number. A parent, guardian, or
27 individual acting as a parent in the absence of a parent or
28 guardian has the right to inspect and review the individual
29 school readiness program record of his or her child and to
30 obtain a copy of the record. This section is subject to the
31 Open Government Sunset Review Act of 1995 in accordance with

1 s. 119.15 and shall stand repealed on October 2, 2005, unless
2 reviewed and saved from repeal through reenactment by the
3 Legislature.

4 Section 4. The Legislature finds that the exemptions
5 from the public records law provided in sections 2 and 3 of
6 this act are a public necessity in order to ensure the privacy
7 of individual children in school readiness programs and
8 subsidized child-care programs.

9 Section 5. This act shall take effect upon becoming a
10 law.

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12 SENATE SUMMARY

13 Provides access to student records by school readiness
14 coalitions and the Florida Partnership for School
15 Readiness. Exempts records of children in subsidized
16 child care programs and school readiness programs from
17 the public records law. Provides for future legislative
18 review and repeal. Provides a statement of public
19 necessity.