

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. School readiness records may be  
31 released to the United States Secretary of Education, the

1 United States Secretary of Health and Human Services, and the  
2 Comptroller General of the United States for the purpose of  
3 federal audits; to individuals or organizations conducting  
4 studies for institutions to develop, validate, or administer  
5 assessments or improve instruction; to accrediting  
6 organizations in order to carry out their accrediting  
7 functions; to appropriate parties in connection with an  
8 emergency if the information is necessary to protect the  
9 health or safety of the student or other individuals; to the  
10 Auditor General in connection with his or her official  
11 functions; to a court of competent jurisdiction in compliance  
12 with an order of that court pursuant to a lawfully issued  
13 subpoena; and to parties to an interagency agreement among  
14 school readiness coalitions, local governmental agencies,  
15 providers of school readiness programs, state agencies, and  
16 the Florida Partnership for School Readiness for the purpose  
17 of implementing the school readiness program. Agencies,  
18 organizations, or individuals that receive school readiness  
19 records in order to carry out their official functions must  
20 protect the data in a manner that will not permit the personal  
21 identification of students and their parents by persons other  
22 than those authorized to receive the records. This section is  
23 subject to the Open Government Sunset Review Act of 1995 in  
24 accordance with s. 119.15 and shall stand repealed on October  
25 2, 2005, unless reviewed and saved from repeal through  
26 reenactment by the Legislature.

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



1           Section 5. This act shall take effect upon becoming a  
2 law.  
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