

By Senator Laurent

17-749-00

See HB 633

1 A bill to be entitled
2 An act relating to student records; amending s.
3 228.093, F.S.; authorizing the release of
4 personally identifiable student records to the
5 Department of Highway Safety and Motor Vehicles
6 for purposes of the compulsory attendance
7 driver's license eligibility requirements and
8 to the Department of Children and Family
9 Services for purposes of the Learnfare program
10 compulsory attendance requirements; clarifying
11 provisions relating to the release of directory
12 information; providing an effective date.

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

16 Section 1. Paragraph (d) of subsection (3) of section
17 228.093, Florida Statutes, is amended to read:

18 228.093 Pupil and student records and reports; rights
19 of parents, guardians, pupils, and students; notification;
20 penalty.--

21 (3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR
22 STUDENT.--The parent or guardian of any pupil or student who
23 attends or has attended any public school, area
24 vocational-technical training center, community college, or
25 institution of higher education in the State University System
26 shall have the following rights with respect to any records or
27 reports created, maintained, and used by any public
28 educational institution in the state. However, whenever a
29 pupil or student has attained 18 years of age, or is attending
30 an institution of postsecondary education, the permission or
31 consent required of, and the rights accorded to, the parents

1 of the pupil or student shall thereafter be required of and
2 accorded to the pupil or student only, unless the pupil or
3 student is a dependent pupil or student of such parents as
4 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue
5 Code of 1954). The State Board of Education shall formulate,
6 adopt, and promulgate rules whereby parents, guardians,
7 pupils, or students may exercise these rights:

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

25 1. Officials of schools, school systems, area
26 technical centers, community colleges, or institutions of
27 higher learning in which the pupil or student seeks or intends
28 to enroll; and a copy of such records or reports shall be
29 furnished to the parent, guardian, pupil, or student upon
30 request.

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1 2. Other school officials, including teachers within
2 the educational institution or agency, who have legitimate
3 educational interests in the information contained in the
4 records.

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

14 4. Other school officials, in connection with a
15 pupil's or student's application for or receipt of financial
16 aid.

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

27 6. Accrediting organizations, in order to carry out
28 their accrediting functions.

29 7. For use as evidence in pupil or student expulsion
30 hearings conducted by a district school board pursuant to the
31 provisions of chapter 120.

1 8. Appropriate parties in connection with an
2 emergency, if knowledge of the information in the pupil's or
3 student's educational records is necessary to protect the
4 health or safety of the pupil, student, or other individuals.

5 9. The Auditor General in connection with his or her
6 official functions; however, except when the collection of
7 personally identifiable information is specifically authorized
8 by law, any data collected by the Auditor General is
9 confidential and exempt from the provisions of s. 119.07(1)
10 and shall be protected in such a way as will not permit the
11 personal identification of students and their parents by other
12 than the Auditor General and his or her staff, and such
13 personally identifiable data shall be destroyed when no longer
14 needed for the Auditor General's official use.

15 10.a. A court of competent jurisdiction in compliance
16 with an order of that court or the attorney of record pursuant
17 to a lawfully issued subpoena, upon the condition that the
18 pupil or student and the pupil's or student's parent are
19 notified of the order or subpoena in advance of compliance
20 therewith by the educational institution or agency.

21 b. A person or entity pursuant to a court of competent
22 jurisdiction in compliance with an order of that court or the
23 attorney of record pursuant to a lawfully issued subpoena,
24 upon the condition that the pupil or student, or his or her
25 parent if the pupil or student is either a minor and not
26 attending an institution of postsecondary education or a
27 dependent of such parent as defined in 26 U.S.C. s. 152 (s.
28 152 of the Internal Revenue Code of 1954), is notified of the
29 order or subpoena in advance of compliance therewith by the
30 educational institution or agency.

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1 11. Credit bureaus, in connection with an agreement
2 for financial aid which the student has executed, provided
3 that such information may be disclosed only to the extent
4 necessary to enforce the terms or conditions of the financial
5 aid agreement. Credit bureaus shall not release any
6 information obtained pursuant to this paragraph to any person.

7 12. Parties to an interagency agreement among the
8 Department of Juvenile Justice, school and law enforcement
9 authorities, and other signatory agencies for the purpose of
10 reducing juvenile crime and especially motor vehicle theft by
11 promoting cooperation and collaboration, and the sharing of
12 appropriate information in a joint effort to improve school
13 safety, to reduce truancy, in-school and out-of-school
14 suspensions, to support alternatives to in-school and
15 out-of-school suspensions and expulsions that provide
16 structured and well-supervised educational programs
17 supplemented by a coordinated overlay of other appropriate
18 services designed to correct behaviors that lead to truancy,
19 suspensions, and expulsions, and which support students in
20 successfully completing their education. Information provided
21 in furtherance of such interagency agreements is intended
22 solely for use in determining the appropriate programs and
23 services for each juvenile or the juvenile's family, or for
24 coordinating the delivery of such programs and services, and
25 as such is inadmissible in any court proceedings prior to a
26 dispositional hearing unless written consent is provided by a
27 parent, guardian, or other responsible adult on behalf of the
28 juvenile.

29 13. The Department of Highway Safety and Motor
30 Vehicles for purposes of the compulsory attendance driver's
31 license eligibility requirements of s. 322.091.

1 14. The Department of Children and Family Services for
2 purposes of the Learnfare program compulsory attendance
3 requirements of s. 414.125.

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5 ~~This paragraph does not prohibit any educational institution~~
6 ~~from publishing and releasing to the general public directory~~
7 ~~information relating to a pupil or student if the institution~~
8 ~~elects to do so. However, No school district or K-12~~
9 ~~educational institution shall release, to any individual,~~
10 ~~agency, business, or organization which is not listed in~~
11 ~~subparagraphs 1.-14.1.-11., or to an individual student,~~
12 ~~directory information relating to the student body in general~~
13 unless the school district or K-12 educational institution has
14 received the written consent of the student's parent or
15 guardian or a portion thereof unless it is normally published
16 for the purpose of release to the public in general. Any
17 non-K-12 educational institution desiring to make making
18 directory information public shall give public notice of the
19 categories of information which it has designated as directory
20 information with respect to all pupils or students attending
21 the institution and shall allow a reasonable period of time
22 after such notice has been given for a parent, guardian,
23 pupil, or student to inform the institution in writing that
24 any or all of the information designated should not be
25 released. Prior to each release of directory information, any
26 school district or K-12 educational institution that intends
27 to make directory information public shall provide written
28 notification to the parent or guardian of each student whose
29 information will be released, listing the specific directory
30 information to be released and the individual, agency,
31 business, or organization to receive the information. If prior

1 written authorization from the parent or guardian is not
2 obtained for that release of information, the information
3 shall not be released.

4 Section 2. This act shall take effect July 1, 2000.

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7 HOUSE SUMMARY

8 Authorizes the release of personally identifiable student
9 records to the Department of Highway Safety and Motor
10 Vehicles for purposes of the compulsory attendance
11 driver's license eligibility requirements and to the
12 Department of Children and Family Services for purposes
13 of the Learnfare program compulsory attendance
14 requirements. Clarifies provisions relating to the
15 release of directory information.
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