

Bill No. CS for SB 1018

Amendment No.      Barcode 935318

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Pruitt moved the following amendment:

**Senate Amendment (with title amendment)**

On page 21, line 9,

insert:

Section 4. Paragraph (d) of subsection (3) of s. 228.093, Florida Statutes, is amended to read:

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

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

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

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

- 26 1. Officials of schools, school systems, area  
 27 technical centers, community colleges, or institutions of  
 28 higher learning in which the pupil or student seeks or intends  
 29 to enroll; and a copy of such records or reports shall be  
 30 furnished to the parent, guardian, pupil, or student upon  
 31 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. School readiness coalitions and the Florida  
30 Partnership for School Readiness in order to carry out their  
31 assigned duties.

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1           8. Learning Gateway programs and the Learning Gateway  
2 steering committee in order to carry out their assigned  
3 duties.

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

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

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

21           ~~1211.a.~~ A court of competent jurisdiction in  
22 compliance with an order of that court or the attorney of  
23 record pursuant to a lawfully issued subpoena, upon the  
24 condition that the pupil or student and the pupil's or  
25 student's parent are notified of the order or subpoena in  
26 advance of compliance therewith by the educational institution  
27 or agency.

28           b. A person or entity pursuant to a court of competent  
29 jurisdiction in compliance with an order of that court or the  
30 attorney of record pursuant to a lawfully issued subpoena,  
31 upon the condition that the pupil or student, or his or her

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

7 1312. Credit bureaus, in connection with an agreement  
8 for financial aid which the student has executed, provided  
9 that such information may be disclosed only to the extent  
10 necessary to enforce the terms or conditions of the financial  
11 aid agreement. Credit bureaus shall not release any  
12 information obtained pursuant to this paragraph to any person.

13 1413. Parties to an interagency agreement among the  
14 Department of Juvenile Justice, school and law enforcement  
15 authorities, and other signatory agencies for the purpose of  
16 reducing juvenile crime and especially motor vehicle theft by  
17 promoting cooperation and collaboration, and the sharing of  
18 appropriate information in a joint effort to improve school  
19 safety, to reduce truancy, in-school and out-of-school  
20 suspensions, to support alternatives to in-school and  
21 out-of-school suspensions and expulsions that provide  
22 structured and well-supervised educational programs  
23 supplemented by a coordinated overlay of other appropriate  
24 services designed to correct behaviors that lead to truancy,  
25 suspensions, and expulsions, and which support students in  
26 successfully completing their education. Information provided  
27 in furtherance of such interagency agreements is intended  
28 solely for use in determining the appropriate programs and  
29 services for each juvenile or the juvenile's family, or for  
30 coordinating the delivery of such programs and services, and  
31 as such is inadmissible in any court proceedings prior to a

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1 dispositional hearing unless written consent is provided by a  
2 parent, guardian, or other responsible adult on behalf of the  
3 juvenile.

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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 educational institution shall  
9 release, to any individual, agency, or organization which is  
10 not listed in subparagraphs 1.-13., directory information  
11 relating to the student body in general or a portion thereof  
12 unless it is normally published for the purpose of release to  
13 the public in general. Any educational institution making  
14 directory information public shall give public notice of the  
15 categories of information which it has designated as directory  
16 information with respect to all pupils or students attending  
17 the institution and shall allow a reasonable period of time  
18 after such notice has been given for a parent, guardian,  
19 pupil, or student to inform the institution in writing that  
20 any or all of the information designated should not be  
21 released.

22  
23 (Redesignate subsequent sections.)

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 10, after the semicolon

29  
30 insert:

31 amending s. 228.093, F.S.; providing access to

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1 student records by Learning Gateway programs  
2 and the Learning Gateway steering committee;  
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