

By Representatives Clarke, Harrell, Atwater, Kravitz, Rubio, Garcia, Benson, Attkisson, Kottkamp, Ross, Kallinger, McGriff, Melvin, Alexander, Fields, Sobel, Baker, Gibson, Bennett and Berfield

1                                   A bill to be entitled  
2           An act relating to student records; amending s.  
3           228.093, F.S.; revising terminology; revising  
4           definitions; revising exceptions; expanding the  
5           right to a hearing; providing a penalty for  
6           third-party violation; clarifying and revising  
7           lawful release of records and directory  
8           information in certain circumstances; expanding  
9           notification requirements; authorizing the  
10          release of personally identifiable student  
11          records to the Department of Highway Safety and  
12          Motor Vehicles for purposes of the compulsory  
13          attendance driver's license eligibility  
14          requirements, and to the Department of Children  
15          and Family Services for purposes of the  
16          Learnfare program compulsory attendance  
17          requirements; amending s. 232.23, F.S.,  
18          relating to maintenance and transfer of student  
19          records, to conform; reenacting ss. 229.57(6),  
20          240.237, 240.323, 240.40401(3), 242.3315,  
21          381.0056(5)(p), and 411.223(2), F.S., relating  
22          to student assessment, university student  
23          records, community college student records,  
24          student financial assistance, student and  
25          employee personnel records, school health  
26          services, and uniform standards, to incorporate  
27          the amendment of s. 228.093, F.S.; providing an  
28          effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1 Section 1. Section 228.093, Florida Statutes, is  
2 amended to read:

3 228.093 ~~Pupil and~~ Student records and reports; rights  
4 of parents, ~~guardians, pupils,~~ and eligible students;  
5 notification; penalty.--

6 (1) PURPOSE.--The purpose of this section is to  
7 protect the rights of ~~pupils and~~ students and their parents ~~or~~  
8 ~~guardians~~ with respect to ~~pupil and~~ student records and  
9 reports as created, maintained, or ~~and~~ used by public  
10 educational institutions in the state. The intent of the  
11 Legislature is that ~~pupils and students and their parents~~ and  
12 eligible students ~~or guardians~~ shall have rights of access,  
13 rights of challenge, rights of hearing, and rights of privacy  
14 with respect to such records and reports, and that rules shall  
15 be available for the exercise of these rights.

16 (2) DEFINITIONS.--As used in this section:

17 (a) "Chief executive officer" means that person,  
18 whether elected or appointed, who is responsible for the  
19 management and administration of any public educational body  
20 or unit, or the chief executive officer's designee for ~~pupil~~  
21 ~~or~~ student records; that is, the superintendent of a district  
22 school system, the director of an ~~the~~ area technical center,  
23 the president of a community college, or the president of an  
24 institution in the State University System, or their  
25 designees.

26 ~~(b) "Child" means any person who has not reached the~~  
27 ~~age of majority.~~

28 ~~(b)(c)~~ "Directory information" means information  
29 contained in an educational record of a student which would  
30 not generally be considered harmful or an invasion of privacy  
31 if disclosed, including ~~includes~~ the ~~pupil's or~~ student's

1 name, address, telephone number if it is a listed number, date  
2 and place of birth, major field of study, participation in  
3 officially recognized activities and sports, weight and height  
4 of members of athletic teams, dates of attendance, degrees and  
5 awards received, and the most recent previous educational  
6 agency or institution attended by the ~~pupil or~~ student.

7 (c) "Disciplinary action or proceeding" means the  
8 investigation, adjudication, or imposition of sanctions by the  
9 institution with respect to an infraction or violation of the  
10 internal rules of conduct applicable to students of the  
11 institution.

12 (d) "Disclosure" means to permit access to, or the  
13 release, transfer, or other communication of, personally  
14 identifiable information contained in education records to any  
15 party, by any means, including oral, written, or electronic  
16 means.

17 (e) "Eligible student" means a student who has reached  
18 18 years of age or who is attending an institution of  
19 postsecondary education.

20 (f) "Parent" means a parent of the student and  
21 includes a natural parent, a guardian, or an individual acting  
22 as a parent in the absence of a parent or a guardian.

23 (g) "Personally identifiable information" includes,  
24 but is not limited to: the student's name; the name of the  
25 student's parent or other family member; the address of the  
26 student or student's family; a personal identifier, such as  
27 the student's social security number; a list of personal  
28 characteristics that would make the student's identity easily  
29 traceable; or other information that would make the student's  
30 identity easily traceable.

31

1           ~~(d) "Pupil" means any child who is enrolled in any~~  
2 ~~instructional program or activity conducted under the~~  
3 ~~authority and direction of a district school board.~~

4           (h)(e) "Records" and "reports" mean ~~any and all~~  
5 official records, files, and data directly related to a  
6 student pupils and students which are created, maintained, or  
7 and used by a public educational institution institutions, or  
8 by a party acting for the institution, including all material  
9 that is incorporated into each ~~pupil's or~~ student's cumulative  
10 record folder and intended for school use or to be available  
11 to parties outside the school or school system for legitimate  
12 educational or research purposes. Materials which shall be  
13 considered as part of a ~~pupil's or~~ student's record include,  
14 but are not necessarily limited to: identifying data,  
15 including a student's social security number; academic work  
16 completed; level of achievement records, including grades and  
17 standardized achievement test scores; attendance data; scores  
18 on standardized intelligence, aptitude, and psychological  
19 tests; interest inventory results; health information data;  
20 family background information; teacher or counselor ratings  
21 and observations; verified reports of serious or recurrent  
22 behavior patterns; and any other evidence, knowledge, or  
23 information recorded in any medium, ~~including, but not limited~~  
24 ~~to, handwriting, typewriting, print, magnetic tapes, film,~~  
25 ~~microfilm, and microfiche, and maintained or and~~ used by an  
26 educational agency or institution or by a person acting for  
27 such agency or institution. However, the terms "records" and  
28 "reports" do not include:

29           1. Records of instructional, supervisory, and  
30 administrative personnel, and educational personnel ancillary  
31 to those persons, that are kept in the sole possession of the

1 ~~maker of the record thereto, which records are in the sole~~  
2 ~~possession of the maker thereof and are not accessible or~~  
3 ~~revealed to any other person except a substitute for any of~~  
4 ~~such persons. An example of records of this type is~~  
5 ~~instructor's grade books.~~

6         2. Records of law enforcement units of the institution  
7 which are created by a law enforcement unit for a law  
8 enforcement purpose, and maintained by the law enforcement  
9 unit maintained solely for law enforcement purposes and which  
10 are not available to persons other than officials of the  
11 institution or law enforcement officials of the same  
12 jurisdiction in the exercise of that jurisdiction.

13         3. Records made and maintained by the institution in  
14 the normal course of business which relate exclusively to an  
15 individual a pupil or student in his or her capacity as an  
16 employee and which are not available for use for any other  
17 purpose. Records relating to an individual in attendance at  
18 the institution who is employed as a result of his or her  
19 status as a student are education records, and are included as  
20 records and reports.

21         4. Records created or maintained by a physician,  
22 psychiatrist, psychologist, or other recognized professional  
23 or paraprofessional acting in his or her professional or  
24 paraprofessional capacity, or assisting in that capacity,  
25 which are created, maintained, or used only in connection with  
26 the provision of treatment to the ~~pupil or student and which~~  
27 are not available to anyone other than persons providing such  
28 treatment. For the purpose of this definition, "treatment"  
29 does not include remedial educational activities or activities  
30 that are part of the program of instruction at the  
31 institution. ~~However,~~ Such records shall be open to a

1 physician or other appropriate professional of the parent's  
2 ~~pupil's~~ or eligible student's choice.

3 5. Directory information as defined in this section.

4 6. Records that only contain information about an  
5 individual after he or she is no longer a student at that  
6 institution.

7 7.6. Other information, files, or data which do not  
8 permit the personal identification of a ~~pupil~~ or student.

9 8.7. Letters or statements of recommendation or  
10 evaluation which were confidential under Florida law and which  
11 were received and made a part of the ~~pupil's~~ or student's  
12 educational records prior to July 1, 1977.

13 9.8. Copies of the ~~pupil's~~ or student's fingerprints.  
14 No public educational institution shall maintain any report or  
15 record relative to a ~~pupil~~ or student which includes a copy of  
16 the ~~pupil's~~ or student's fingerprints, except as otherwise  
17 provided by law.

18 (i)(f) "Student" means any child or adult who is  
19 enrolled or who has been enrolled in any instructional program  
20 or activity conducted under the authority ~~and direction~~ of an  
21 institution comprising a part of the state system of public  
22 education and with respect to whom an educational institution  
23 maintains educational records and reports or personally  
24 identifiable information, but does not include a person who  
25 has not been in attendance as an enrollee at such institution.

26 (3) RIGHTS OF PARENT, ~~GUARDIAN, PUPIL,~~ OR ELIGIBLE  
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, or ~~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 eligible pupil or student only, ~~unless the~~  
8 ~~pupil or student is a dependent pupil or student of such~~  
9 ~~parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal~~  
10 ~~Revenue Code of 1954)~~. The State Board of Education shall  
11 ~~formulate, adopt, and promulgate~~ rules whereby parents,  
12 ~~guardians, pupils, or~~ eligible students may exercise these  
13 rights:

14 (a) Right of access.--

15 1. The Such parent, ~~guardian, pupil, or eligible~~  
16 student has ~~shall have~~ the right, upon request directed to the  
17 appropriate school official, to be provided with a list of the  
18 types of records and reports, directly related to ~~pupils or~~  
19 students, as maintained by the institution which the ~~pupil or~~  
20 student attends or has attended.

21 2. The Such parent, ~~guardian, pupil, or eligible~~  
22 student has ~~shall have~~ the right, upon request, to inspect and  
23 review ~~be shown~~ any record or report relating to the such  
24 ~~pupil or~~ student maintained by any public educational  
25 institution. When the record or report includes information  
26 on more than one ~~pupil or~~ student, the parent, ~~guardian,~~  
27 ~~pupil, or~~ eligible student is ~~shall be~~ entitled to receive, or  
28 be informed of, only that part of the record or report which  
29 pertains to the ~~pupil or~~ student who is the subject of the  
30 request. Upon a reasonable request ~~therefor~~, the institution  
31 shall furnish the such parent, ~~guardian, pupil, or eligible~~

1 student with an explanation or interpretation of any such  
2 record or report.

3 3. Copies of any list, record, or report requested  
4 under the provisions of this paragraph shall be furnished to  
5 the parent, ~~guardian, pupil,~~ or eligible student upon request.

6 4. The State Board of Education shall establish rules  
7 to be followed by all public educational institutions in  
8 granting requests for lists, or for access to reports and  
9 records or for copies or explanations thereof under this  
10 paragraph. However, access to any report or record requested  
11 under the provisions of subparagraph 2. shall be granted  
12 within 30 days after receipt of such request by the  
13 institution. Fees may be charged for furnishing any copies of  
14 reports or records requested under subparagraph 3., but such  
15 fees shall not exceed the actual cost to the institution of  
16 producing the ~~such~~ copies.

17 (b) Right of waiver of access to confidential letters  
18 or statements.--~~The~~ Such parent, ~~guardian, pupil,~~ or eligible  
19 student has ~~shall have~~ the right to waive the right of access  
20 to letters or statements of recommendation or evaluation,  
21 except that such waiver shall apply to recommendations or  
22 evaluations only if:

23 1. The parent, ~~guardian, pupil,~~ or eligible student  
24 is, upon request, notified of the names of all persons  
25 submitting confidential letters or statements; and

26 2. Such recommendations or evaluations are used solely  
27 for the purpose for which they were specifically intended.

28  
29 Such waivers may not be required as a condition for admission  
30 to, receipt of financial aid from, or receipt of any other  
31



1 services or benefits from, any public agency or public  
2 educational institution in this state.

3 (c) Right to challenge ~~and hearing.~~--If a parent or  
4 eligible student believes that the education records relating  
5 to the student contain information that is inaccurate,  
6 misleading, or in violation of the student's rights of  
7 privacy, the parent or eligible student may ask the  
8 institution to amend the record. The institution shall decide  
9 whether to amend the record as requested within a reasonable  
10 time after the institution receives the request. If the  
11 institution decides not to amend the record as requested, it  
12 shall inform the parent or eligible student of its decision  
13 and of his or her right to a hearing under paragraph (d) and  
14 rules adopted by the State Board of Education.~~Such parent,~~  
15 ~~guardian, pupil, or student shall have the right to challenge~~  
16 ~~the content of any record or report to which such person is~~  
17 ~~granted access under paragraph (a), in order to ensure that~~  
18 ~~the record or report is not inaccurate, misleading, or~~  
19 ~~otherwise in violation of the privacy or other rights of the~~  
20 ~~pupil or student and to provide an opportunity for the~~  
21 ~~correction, deletion, or expunction of any inaccurate,~~  
22 ~~misleading, or otherwise inappropriate data or material~~  
23 ~~contained therein. Any challenge arising under the provisions~~  
24 ~~of this paragraph may be settled through informal meetings or~~  
25 ~~discussions between the parent, guardian, pupil, or student~~  
26 ~~and appropriate officials of the educational institution. If~~  
27 ~~the parties at such a meeting agree to make corrections, to~~  
28 ~~make deletions, to expunge material, or to add a statement of~~  
29 ~~explanation or rebuttal to the file, such agreement shall be~~  
30 ~~reduced to writing and signed by the parties; and the~~  
31 ~~appropriate school officials shall take the necessary actions~~

1 ~~to implement the agreement. If the parties cannot reach an~~  
2 ~~agreement, upon the request of either party, a hearing shall~~  
3 ~~be held on such challenge under rules promulgated by the State~~  
4 ~~Board of Education. Upon the request of the parent, guardian,~~  
5 ~~pupil, or student, the hearing shall be exempt from the~~  
6 ~~requirements of s. 286.011. Such rules shall include at least~~  
7 ~~the following provisions:~~

8         1. ~~The hearing shall be conducted within a reasonable~~  
9 ~~period of time following the request for the hearing.~~

10         2. ~~The hearing shall be conducted, and the decision~~  
11 ~~rendered, by an official of the educational institution or~~  
12 ~~other party who does not have a direct interest in the outcome~~  
13 ~~of the hearing.~~

14         3. ~~The parent, guardian, pupil, or student shall be~~  
15 ~~afforded a full and fair opportunity to present evidence~~  
16 ~~relevant to the issues raised under this paragraph.~~

17         4. ~~The decision shall be rendered in writing within a~~  
18 ~~reasonable period of time after the conclusion of the hearing.~~

19         5. ~~The appropriate school officials shall take the~~  
20 ~~necessary actions to implement the decision.~~

21         (d) Right to hearing.--

22         1. An educational institution shall give a parent or  
23 eligible student, upon request, an opportunity for a hearing  
24 to challenge the content of the student's education records on  
25 the grounds that the information contained in the education  
26 records is inaccurate, misleading, or in violation of the  
27 privacy rights of the student. Upon request of the parent or  
28 eligible student, the hearing shall be exempt from the  
29 requirements of s. 286.011.

30         2. If, as a result of the hearing, the institution  
31 decides that the information is inaccurate, misleading, or

1 otherwise in violation of the privacy rights of the student,  
2 it shall amend the record accordingly and inform the parent or  
3 eligible student in writing.

4 3. If, as a result of the hearing, the institution  
5 decides that the information in the education record is not  
6 inaccurate, misleading, or otherwise in violation of the  
7 privacy rights of the student, it shall inform the parent or  
8 eligible student of the right to place a statement in the  
9 record commenting on the contested information in the record  
10 or stating why he or she disagrees with the decision of the  
11 institution, or both.

12 4. If an institution places a statement in the  
13 education records of a student under subparagraph 3., the  
14 institution shall maintain the statement with the contested  
15 part of the record for as long as the record is maintained,  
16 and disclose the statement whenever it discloses the portion  
17 of the record to which the statement relates.

18 (e) Requirements for a hearing.--A hearing under  
19 paragraph (d) must meet the following requirements:

20 1. The institution shall hold the hearing within a  
21 reasonable time after it has received the request for the  
22 hearing from the parent or eligible student.

23 2. The institution shall give the parent or eligible  
24 student notice of the date, time, and place, reasonably in  
25 advance of the hearing.

26 3. The hearing may be conducted by any individual,  
27 including an official of the institution, who does not have a  
28 direct interest in the outcome of the hearing.

29 4. The institution shall give the parent or eligible  
30 student a full and fair opportunity to present evidence  
31 relevant to the issues raised. The parent or eligible student

1 may, at his or her own expense, be assisted or represented by  
2 one or more individuals of his or her choice, including an  
3 attorney.

4 5. The institution shall make its decision in writing  
5 within a reasonable period of time after the hearing.

6 6. The decision must be based solely on the evidence  
7 presented at the hearing and must include a summary of the  
8 evidence and the reasons for the decision.

9 7. The appropriate school officials shall take the  
10 necessary actions to implement the decision.

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

29 1. Officials of schools, school systems, area  
30 technical centers, community colleges, or institutions of  
31 higher learning in which the ~~pupil or~~ student seeks or intends

1 to enroll; and a copy of such records or reports shall be  
2 furnished to the parent, ~~guardian, pupil,~~ or eligible student  
3 upon request.

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

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

17 4. Relevant ~~Other school~~ officials, in connection with  
18 ~~a pupil's or student's application for or receipt of financial~~  
19 ~~aid for which the student has applied or which the student has~~  
20 ~~received, if the information is necessary to determine~~  
21 ~~eligibility for the aid, the amount of the aid, or the~~  
22 ~~conditions for the aid, or to enforce the terms and conditions~~  
23 ~~of the aid. For purposes of this subparagraph, "financial aid"~~  
24 ~~means a payment of funds provided to an individual or a~~  
25 ~~payment in kind of tangible or intangible property to the~~  
26 ~~individual that is conditioned on the individual's attendance~~  
27 ~~at an institution.~~

28 5. Individuals or organizations, including, but not  
29 limited to, federal, state, and local agencies, and  
30 independent organizations, conducting studies for or on behalf  
31 of an institution ~~or a board of education~~ for the purpose of

1 developing, validating, or administering predictive tests,  
2 administering ~~pupil or~~ student aid programs, or improving  
3 instruction, if such studies are conducted in such a manner as  
4 will not permit the personal identification of ~~pupils or~~  
5 students and their parents by persons other than  
6 representatives of such organizations and if such information  
7 will be destroyed when no longer needed for the purpose of  
8 conducting such studies. If the United States Department of  
9 Education Family Policy Compliance Office determines that a  
10 third party that is outside the institution to whom  
11 information is disclosed under this subparagraph violates this  
12 subparagraph, the institution may not allow that third party  
13 access to personally identifiable information from education  
14 records for at least 5 years.

15           6. Accrediting organizations, in order to carry out  
16 their accrediting functions.

17           7. School readiness coalitions and the Florida  
18 Partnership for School Readiness in order to carry out their  
19 assigned duties.

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

23           9. Appropriate parties in connection with an  
24 emergency, if knowledge of the information in the ~~pupil's or~~  
25 student's educational records is necessary to protect the  
26 health or safety of the ~~pupil, student, or~~ other individuals.

27           10. The Auditor General in connection with his or her  
28 official functions; however, except when the collection of  
29 personally identifiable information is specifically authorized  
30 by law, any data collected by the Auditor General is  
31 confidential and exempt from the provisions of s. 119.07(1)

1 and shall be protected in such a way as will not permit the  
2 personal identification of students and their parents by other  
3 than the Auditor General and his or her staff, and such  
4 personally identifiable data shall be destroyed when no longer  
5 needed for the Auditor General's official use.

6       11.~~a.~~ A court of competent jurisdiction in compliance  
7 with an order of that court or the attorney of record pursuant  
8 to a lawfully issued subpoena, upon the condition that the  
9 ~~pupil or student and the pupil's or student's parent or~~  
10 eligible student is ~~are~~ notified of the order or subpoena in  
11 advance of compliance ~~therewith~~ by the educational institution  
12 or agency so that the parent or eligible student may seek  
13 protective action, unless the disclosure is in compliance with  
14 a court order that the existence or the contents of the  
15 subpoena or the information furnished in response to the  
16 subpoena not be disclosed. If the institution initiates legal  
17 action against a parent or student, and has complied with this  
18 subparagraph, it may disclose the student's education records  
19 that are relevant to the action to the court without a court  
20 order or subpoena.

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.

31

1           12. 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           13. Parties to an interagency agreement among the  
8 Departments ~~Department~~ of Children and Family Services or  
9 Juvenile Justice, school and law enforcement authorities, and  
10 other signatory agencies for the purpose of reducing juvenile  
11 crime ~~and especially motor vehicle theft~~ by promoting  
12 cooperation and collaboration, and the sharing of appropriate  
13 information in a joint effort to improve school safety, to  
14 reduce truancy, to reduce in-school and out-of-school  
15 suspensions, to support alternatives to in-school and  
16 out-of-school suspensions and expulsions that provide  
17 structured and well-supervised educational programs  
18 supplemented by a coordinated overlay of other appropriate  
19 services designed to correct behaviors that lead to truancy,  
20 suspensions, and expulsions, and to which support students in  
21 successfully completing their education. The interagency  
22 agreement must specify the conditions under which information  
23 is to be shared. All parties entering into such agreement  
24 must maintain confidentiality of the information unless  
25 otherwise provided by law. Information provided to further in  
26 furtherance of such interagency agreements is intended solely  
27 for use in determining the appropriate programs and services  
28 for each juvenile or the juvenile's family, or for  
29 coordinating the delivery of such programs and services, and  
30 as such is inadmissible in any court proceedings prior to a  
31 dispositional hearing unless written consent is provided by a



1 ~~parent, guardian, or other responsible adult~~ on behalf of the  
2 juvenile.

3 13. The Department of Highway Safety and Motor  
4 Vehicles for purposes of the compulsory attendance driver's  
5 license eligibility requirements of s. 322.091.

6 14. The Department of Children and Family Services for  
7 purposes of the Learnfare program compulsory attendance  
8 requirements of s. 414.125.

9 15. The parent of a dependent student, as defined in  
10 26 U.S.C. s. 152, the Internal Revenue Code of 1986.

11 16. The parent of a student who is not an eligible  
12 student or to the eligible student.

13 17. The alleged victim of any crime of violence, as  
14 that term is defined in 18 U.S.C. s. 16, of the results of any  
15 disciplinary proceeding conducted by an institution of  
16 postsecondary education against the alleged perpetrator of  
17 that crime with respect to that crime.

18  
19 ~~This paragraph does not prohibit any educational institution~~  
20 ~~from publishing and releasing to the general public directory~~  
21 ~~information relating to a pupil or student if the institution~~  
22 ~~elects to do so. However, No school district or K-12~~  
23 ~~educational institution shall release, to any individual,~~  
24 ~~agency, business, or organization which is not listed in~~  
25 ~~subparagraphs 1.-17.1.-13., or to an individual student,~~  
26 ~~directory information relating to an individual student or~~  
27 ~~students or the student body in general unless the school~~  
28 ~~district or K-12 educational institution has received the~~  
29 ~~written consent of the parents of the students to whom the~~  
30 ~~information relates, except that an individual student may~~  
31 ~~receive such information which relates only to such individual~~

1 ~~student or a portion thereof unless it is normally published~~  
2 ~~for the purpose of release to the public in general.~~ Any  
3 non-K-12 educational institution desiring to make ~~making~~  
4 directory information public shall give public notice of the  
5 categories of information which it has designated as directory  
6 information with respect to all ~~pupils or~~ students attending  
7 the institution and shall allow a reasonable period of time  
8 after such notice has been given for a parent, ~~guardian,~~  
9 ~~pupil,~~ or eligible student to inform the institution in  
10 writing that any or all of the information designated should  
11 not be released. Prior to releasing directory information, any  
12 school district or K-12 educational institution that intends  
13 to make directory information public shall provide written  
14 notification to the parent of each student whose information  
15 will be released, listing the specific directory information  
16 to be released and the individual, agency, business, or  
17 organization to receive the information. If prior written  
18 authorization from the parent or eligible student is not  
19 obtained for that release of information, the information  
20 shall not be released. However, this paragraph does not  
21 prohibit any school district or K-12 educational institution  
22 from publishing and releasing to the general public the name  
23 or size of any student participating in school activities or  
24 extracurricular activities or receiving an honor, provided  
25 that the student's address or telephone number is not  
26 disclosed without the written consent of the parent; and  
27 provided further that if the parent so directs, the school  
28 district or K-12 educational institution shall not release any  
29 information whatsoever on the student under any circumstances.

30 (4) NOTIFICATION.--  
31

1        (a) Parents of students currently in attendance or  
2 eligible students currently in attendance ~~Every parent,~~  
3 ~~guardian, pupil, and student entitled to rights relating to~~  
4 ~~pupil and student records and reports under the provisions of~~  
5 ~~subsection (3)~~ shall be notified annually, in writing, of such  
6 rights and that the institution has a policy of supporting the  
7 law; the types of information and data generally entered in  
8 the ~~pupil and~~ student records as maintained by the  
9 institution; and the procedures to be followed in order to  
10 exercise such rights.

11        (b) The notification shall be general in form and in a  
12 manner to be determined by the State Board of Education and  
13 may be incorporated with other printed materials distributed  
14 to ~~pupils and~~ students, such as being printed on the back of  
15 school assignment forms or report cards for students ~~pupils~~  
16 attending kindergarten or grades 1 through 12 in the public  
17 school system and being printed in college catalogs or in  
18 other program announcement bulletins for students attending  
19 postsecondary institutions.

20        (c) The notice must inform parents or eligible  
21 students that they have the right to:

22            1. Inspect and review the student's education records.

23            2. Seek amendment of the student's education records  
24 that the parent or eligible student believes to be inaccurate,  
25 misleading, or otherwise in violation of the student's privacy  
26 rights.

27            3. Consent to disclosures of personally identifiable  
28 information contained in the student's education records  
29 except to the extent that disclosure is authorized.

30            4. File with the United States Department of Education  
31 Family Policy Compliance Office concerning alleged failures by

1 the institution to comply with the requirements of this  
2 section.

3 (d) The notice must include the procedure for  
4 exercising the right to inspect and review education records  
5 and the procedures for requesting amendment of records under  
6 this section.

7 (e) The institution shall effectively provide this  
8 notification to parents or eligible students who are disabled.

9 (f) An institution of elementary or secondary  
10 education shall effectively notify parents who have a primary  
11 home language other than English.

12 (5) PENALTY.--In the event that any public school  
13 official or employee, State University System official or  
14 employee, area technical center official or employee,  
15 community college official or employee, or district school  
16 board official or employee refuses to comply with any of the  
17 provisions of this section, the aggrieved parent, ~~guardian,~~  
18 ~~pupil,~~ or eligible student has ~~shall have~~ an immediate right  
19 to bring an action in the circuit court to enforce the  
20 violated right by injunction. Any aggrieved parent, ~~guardian,~~  
21 ~~pupil,~~ or eligible student who brings such an action and whose  
22 rights are vindicated may be awarded attorney's fees and court  
23 costs.

24 (6) APPLICABILITY TO RECORDS OF DEFUNCT  
25 INSTITUTIONS.--The provisions of this section also apply to  
26 ~~pupil or~~ student records which any nonpublic educational  
27 institution that is no longer operating has deposited with the  
28 district school superintendent in the county where the  
29 nonpublic educational institution was located or with the  
30 clerk of the circuit court of that county; with the Department  
31 of Education; with the Division of Library and Information

1 Services, records and information management program, of the  
2 Department of State; or with any other public agency.

3 Section 2. Section 232.23, Florida Statutes, is  
4 amended to read:

5 232.23 Procedures for maintenance and transfer of  
6 student ~~pupil~~ records.--

7 (1) Each principal shall maintain a permanent  
8 cumulative record for each student ~~pupil~~ enrolled in a public  
9 school. Such record shall be maintained in the form, and  
10 contain all data, prescribed by rule by the Commissioner of  
11 Education. The cumulative record is confidential and exempt  
12 from the provisions of s. 119.07(1) and is open to inspection  
13 only as provided in s. 228.093.

14 (2) The procedure for transferring and maintaining  
15 records of students ~~pupils~~ who transfer from school to school  
16 shall be prescribed by regulations of the commissioner.

17 (3) Procedures relating to the acceptance of transfer  
18 work and credit for students ~~pupils~~ shall be prescribed by  
19 rule by the Commissioner of Education.

20 Section 3. For the purpose of incorporating the  
21 amendment of section 228.093, Florida Statutes, in references  
22 thereto, the sections or subdivisions of Florida Statutes set  
23 forth below are reenacted to read:

24 229.57 Student assessment program.--

25 (6) ANNUAL REPORTS.--The commissioner shall prepare  
26 annual reports of the results of the statewide assessment  
27 program which describe student achievement in the state, each  
28 district, and each school. The commissioner shall prescribe  
29 the design and content of these reports, which must include,  
30 without limitation, descriptions of the performance of all  
31 schools participating in the assessment program and all of

1 their major student populations as determined by the  
2 Commissioner of Education, and must also include the median  
3 scores of all eligible students who scored at or in the lowest  
4 25th percentile of the state in the previous school year;  
5 provided, however, that the provisions of s. 228.093  
6 pertaining to student records apply to this section. Until  
7 such time as annual assessments prescribed in this section are  
8 fully implemented, annual reports shall include student  
9 performance data based on existing assessments.

10           240.237 Student records.--The university may prescribe  
11 the content and custody of records and reports which the  
12 university may maintain on its students. Such records are  
13 confidential and exempt from the provisions of s. 119.07(1)  
14 and are open to inspection only as provided in s. 228.093.

15           240.323 Student records.--Rules of the State Board of  
16 Community Colleges may prescribe the content and custody of  
17 records and reports which a community college may maintain on  
18 its students. Such records are confidential and exempt from s.  
19 119.07(1) and are open to inspection only as provided in s.  
20 228.093.

21           240.40401 Student financial assistance database.--

22           (3) The database must include records on any student  
23 receiving any form of financial assistance as described in  
24 subsection (2). Institutions participating in any state  
25 financial assistance program shall annually submit such  
26 information to the Department of Education in a format  
27 prescribed by the department and consistent with the  
28 provisions of s. 228.093.

29           242.3315 Student and employee personnel records.--The  
30 Board of Trustees for the Florida School for the Deaf and the  
31 Blind shall provide for the content and custody of student and

1 employee personnel records. Student records shall be subject  
2 to the provisions of s. 228.093. Employee personnel records  
3 shall be subject to the provisions of s. 231.291.

4 381.0056 School health services program.--

5 (5) Each county health department shall develop,  
6 jointly with the district school board and the local school  
7 health advisory committee, a school health services plan; and  
8 the plan shall include, at a minimum, provisions for:

9 (p) Maintenance of records on incidents of health  
10 problems, corrective measures taken, and such other  
11 information as may be needed to plan and evaluate health  
12 programs; except, however, that provisions in the plan for  
13 maintenance of health records of individual students must be  
14 in accordance with s. 228.093;

15 411.223 Uniform standards.--

16 (2) Duplicative diagnostic and planning practices  
17 shall be eliminated to the extent possible. Diagnostic and  
18 other information necessary to provide quality services to  
19 high-risk or handicapped children shall be shared among the  
20 program offices of the Department of Children and Family  
21 Services, pursuant to the provisions of s. 228.093.

22 Section 4. This act shall take effect July 1, 2001.  
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HOUSE SUMMARY

Revises provisions relating to student records in the following ways: revises terminology; revises definitions; revises exceptions; expands the right to a hearing; provides a penalty for third-party violation; clarifies and revises lawful release of records and directory information in certain circumstances; expands notification requirements; authorizes the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles for purposes of the compulsory attendance driver's license eligibility requirements, and to the Department of Children and Family Services for purposes of the Learnfare program compulsory attendance requirements. Amends provisions relating to maintenance and transfer of student records, to conform.