

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Appropriations Committee

BILL: CS/SB 1174

INTRODUCER: Education Appropriations Committee and Senator Miller

SUBJECT: Student Records

DATE: April 24, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/1 amendment</u>
2.	<u>Armstrong</u>	<u>Newman</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires parents to be provided with information regarding the content of their child's permanent record, their legal right of access, others' rights of access, and privacy regarding such records.

The bill also requires that a parental involvement checklist, currently required under section 1002.23(8), F.S., and disseminated at the beginning of each school year, be reviewed during teacher-parent conferences.

The bill requires that school district rules for family involvement shall provide for enhanced parental communication whenever a student is seen in the school office for disciplinary or academic reasons and parental review of student records at parent conferences.

This bill amends Section 1002.23 of the Florida Statutes.

II. Present Situation:

Florida Statutes

Section 1002.23, F.S., requires the Department of Education (DOE) to develop guidelines for a parent guide to include information on student promotion and academic expectations, student progress, assessment results, teacher qualifications, and other services and accommodations to meet individual student needs. DOE is required to provide school districts with a guide to parents. School districts must, in turn, distribute information to parents on facilitating and strengthening their child's academic success. The State Board of Education must annually

review each school district's compliance and success in achieving improved services for families.

Section 1002.22, F.S., addresses student records and reports, rights of parents and students, rights of access, and includes provisions for notification and penalties.

In particular, s. 1002.22, F.S., identifies the rights of a parent or student including the right of access to the student's records, the right to waive access to confidential letters or statements, the right to challenge the contents of the records, and the right to privacy.

Section 1002.22(3), F.S., limits the release of student records to certain authorized entities without parental or student consent. These entities include certain postsecondary institutions for purposes of enrollment, school officials with legitimate interests, federal institutions and agencies as provided for in federal law or rule, school officials in connection with a student's application for or receipt of financial aid, and authorized individuals conducting educational studies.

However, the law authorizes a school district, in its discretion, to release to the general public student directory information, which includes a student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student.¹ The directory information may only be published if it is normally published for the purpose of release to the public in general.² The law further requires parents to be provided an opportunity to opt out of the directory.³

Federal Law – FERPA

The Family Educational Rights and Privacy Act (FERPA) was enacted in 1974 to ensure parents and students protection of individual rights to privacy by limiting the transferability and disclosure of information contained in student records without prior consent.⁴ FERPA requires schools to define what "directory information" includes and gives them the option of releasing the information but does not require it.⁵

III. Effect of Proposed Changes:

The bill requires that parent guidelines, distributed annually to parents at the beginning of each school year, include information regarding the content of student permanent records, the parent's right of access, right to privacy, and right to challenge contents of the records.

¹ Section 1002.22(2)(b), F.S.

² Section 1002.22(3)(d), F.S.

³ Id.

⁴ 20 U.S.C. ss1232g (PL 93-568)

⁵ www.ed.gov/policy/gen/guid/fpco/pdf/ht102802.pdf

In addition, the bill provides that the checklist of actions that can strengthen parental involvement and facilitate achievement, required under s. 1002.23(3), F.S., and provided to parents each year, must be reviewed during parent teacher conferences.

Finally, the bill provides that beginning in 2006-2007, school district rules for family involvement shall require that parents be notified by phone or in writing when a student has been seen in the school office for behavioral or academic reasons. Also, the rules shall require that the student's cumulative record be reviewed for a parent-teacher (or other staff) conference for behavioral or academic reasons

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The state of Texas enacted s. 26.013, effective June 2005, to require that parents be provided a clear explanation of FERPA and the distinctions between student records and directory information.⁶

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶ State of Texas Education Code, Chapter 26 — § 26.013

VIII. Summary of Amendments:

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
