

Bill No. SB 1928

Barcode 920822

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Peaden) recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, line 12,

insert:

Section 1. Paragraph (d) of subsection (3) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Student records and reports; rights of parents and students; notification; penalty.--

(3) RIGHTS OF PARENT OR STUDENT.--The parent of any student who attends or has attended any public school, career center, or public postsecondary educational institution 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 student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to

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1 the student only, unless the student is a dependent student of
 2 such parents as defined in 26 U.S.C. s. 152 (s. 152 of the
 3 Internal Revenue Code of 1954). The State Board of Education
 4 shall adopt rules whereby parents or students may exercise
 5 these rights:

6 (d) Right of privacy.--Every student has a right of
 7 privacy with respect to the educational records kept on him or
 8 her. Personally identifiable records or reports of a student,
 9 and any personal information contained therein, are
 10 confidential and exempt from s. 119.07(1). A state or local
 11 educational agency, board, public school, career center, or
 12 public postsecondary educational institution may not permit
 13 the release of such records, reports, or information without
 14 the written consent of the student's parent, or of the student
 15 himself or herself if he or she is qualified as provided in
 16 this subsection, to any individual, agency, or organization.
 17 However, personally identifiable records or reports of a
 18 student may be released to the following persons or
 19 organizations without the consent of the student or the
 20 student's parent:

21 1. Officials of schools, school systems, career
 22 centers, or public postsecondary educational institutions in
 23 which the student seeks or intends to enroll; and a copy of
 24 such records or reports shall be furnished to the parent or
 25 student upon request.

26 2. Other school officials, including teachers within
 27 the educational institution or agency, who have legitimate
 28 educational interests in the information contained in the
 29 records.

30 3. The United States Secretary of Education, the
 31 Director of the National Institute of Education, the Assistant

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1 Secretary for Education, the Comptroller General of the United
 2 States, or state or local educational authorities who are
 3 authorized to receive such information subject to the
 4 conditions set forth in applicable federal statutes and
 5 regulations of the United States Department of Education, or
 6 in applicable state statutes and rules of the State Board of
 7 Education.

8 4. Other school officials, in connection with a
 9 student's application for or receipt of financial aid.

10 5. Individuals or organizations conducting studies for
 11 or on behalf of an institution or a board of education for the
 12 purpose of developing, validating, or administering predictive
 13 tests, administering student aid programs, or improving
 14 instruction, if the studies are conducted in a manner that
 15 does not permit the personal identification of students and
 16 their parents by persons other than representatives of such
 17 organizations and if the information will be destroyed when no
 18 longer needed for the purpose of conducting such studies.

19 6. Accrediting organizations, in order to carry out
 20 their accrediting functions.

21 7. Early learning coalitions and the Agency for
 22 Workforce Innovation in order to carry out their assigned
 23 duties.

24 8. For use as evidence in student expulsion hearings
 25 conducted by a district school board under chapter 120.

26 9. Appropriate parties in connection with an
 27 emergency, if knowledge of the information in the student's
 28 educational records is necessary to protect the health or
 29 safety of the student or other individuals.

30 10. The Auditor General and the Office of Program
 31 Policy Analysis and Government Accountability in connection

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1 with their official functions; however, except when the
 2 collection of personally identifiable information is
 3 specifically authorized by law, any data collected by the
 4 Auditor General and the Office of Program Policy Analysis and
 5 Government Accountability is confidential and exempt from s.
 6 119.07(1) and shall be protected in a way that does not permit
 7 the personal identification of students and their parents by
 8 other than the Auditor General, the Office of Program Policy
 9 Analysis and Government Accountability, and their staff, and
 10 the personally identifiable data shall be destroyed when no
 11 longer needed for the Auditor General's and the Office of
 12 Program Policy Analysis and Government Accountability's
 13 official use.

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

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

30 12. Credit bureaus, in connection with an agreement
 31 for financial aid that the student has executed, if the

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1 information is disclosed only to the extent necessary to
 2 enforce the terms or conditions of the financial aid
 3 agreement. Credit bureaus shall not release any information
 4 obtained under this paragraph to any person.

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

26 14. Consistent with the Family Educational Rights and
 27 Privacy Act, the Department of Children and Family Services or
 28 a community-based care lead agency acting on behalf of the
 29 Department of Children and Family Services, as appropriate.

30 15. The Florida High School Athletic Association, the
 31 administration of the student's school, the administration of

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1 any school to which the student may transfer during a
 2 suspension from participation in interscholastic athletics
 3 resulting from a positive finding, the student, and the
 4 student's parent only in accordance with the requirements of
 5 s. 1006.20(10).

6
 7 This paragraph does not prohibit any educational institution
 8 from publishing and releasing to the general public directory
 9 information relating to a student if the institution elects to
 10 do so. However, no educational institution shall release, to
 11 any individual, agency, or organization that is not listed in
 12 subparagraphs 1.-14., directory information relating to the
 13 student body in general or a portion thereof unless it is
 14 normally published for the purpose of release to the public in
 15 general. Any educational institution making directory
 16 information public shall give public notice of the categories
 17 of information that it has designated as directory information
 18 for all students attending the institution and shall allow a
 19 reasonable period of time after the notice has been given for
 20 a parent or student to inform the institution in writing that
 21 any or all of the information designated should not be
 22 released.

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24 (Redesignate subsequent sections.)

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

28 And the title is amended as follows:

29 On page 1, line 2, after the semicolon,

30
31 insert:

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1 amending s. 1002.22, F.S.; authorizing the
2 disclosure of certain records of a student
3 under specified circumstances to certain
4 persons when in conjunction with a drug testing
5 program to randomly test for anabolic steroids
6 in students grades 9 through 12 who participate
7 in interscholastic athletics in member schools
8 of the Florida High School Athletic
9 Association;

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