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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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Senator Smith moved the following:

1 **Senate Amendment to Amendment (843850) (with title**
2 **amendment)**

3
4 Between lines 1630 and 1631
5 insert:

6 Section 44. Paragraph (a) of subsection (2) of section
7 1002.221, Florida Statutes, is amended, and paragraph (d) is
8 added to that subsection, to read:

9 1002.221 K-12 education records; public records exemption.-
10 (2) (a) An agency or institution, as defined in s. 1002.22,
11 may not release a student's education records without the



12 written consent of the student or parent to any individual,
13 agency, or organization, except in accordance with and as
14 permitted by the FERPA. For the purposes of this section,
15 education records include personal identifying information
16 relating to a student's immigration status, as permitted by
17 FERPA.

18 (d)1. An employee of an agency or institution as defined in
19 s. 1002.22 who violates this section is subject to disciplinary
20 action, which may include suspension without pay for up to 30
21 days or termination of employment with the agency or
22 organization.

23 2. A teacher as defined in s. 112.1915(1)(b) who violates
24 this section is subject to, in addition to the disciplinary
25 action of subparagraph 1., review of his or her educator
26 certification by the Department of Education. The department
27 shall make a determination as to the revocation of the educator
28 certification.

29 3. An individual may report a violation of this section to
30 the department. The department shall conduct an investigation of
31 the alleged violation within 30 days after the report is made.
32 The department shall cooperate with any individual, agency, or
33 organization as authorized by FERPA.

34 4. This paragraph may not be construed as creating a
35 private cause of action against an employee or a school district
36 for a violation of FERPA related to the disclosure of a
37 student's immigration status.

38
39 ===== T I T L E A M E N D M E N T =====

40 And the title is amended as follows:



41 Between lines 2038 and 2039
42 insert:
43 amending s. 1002.221, F.S.; providing that a student's
44 education records include personal identifying
45 information relating to a student's immigration
46 status; providing for disciplinary action; requiring
47 that a teacher's educator certification be reviewed by
48 the Department of Education after a certain violation;
49 requiring the department to make a determination on
50 the revocation of a teacher's educator certification
51 after a violation is reported; requiring the
52 department to conduct an investigation within 30 days
53 after a reported violation; providing construction;