



**MARION TECHNICAL COLLEGE
PLANS AND PROCEDURES MANUAL**

**PRIVACY, SAFETY, AND
SECURITY OF DATA PLAN**

EFFECTIVE SCHOOL YEAR: 2022-2023

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A DIVISION OF THE MARION COUNTY PUBLIC SCHOOLS
AN EQUAL OPPORTUNITY SCHOOL DISTRICT

MARION TECHNICAL COLLEGE

PRIVACY, SAFETY, AND SECURITY OF DATA PLAN

INTRODUCTION

Marion Technical College follows all policies and procedures of the Marion County Public Schools. Student records shall be maintained in accordance with Board Policy 8330 and State/Federal laws and regulations.

STUDENT RECORDS

Marion County Public Schools maintain educational records in accordance with state and federal laws. Copies of Marion County Public Schools Student Records Policy are available for public use during school hours at each school or at the Marion County Public Schools Office, 1614 E. Fort King Street, Ocala, Florida 34471 between 8:00 a.m. and 4:00 p.m., Monday through Friday.

Parents, legal guardians or eligible students have the right to review records on their child, the right to a copy of the record (for a fee), the right to challenge information contained in the record, the right to a hearing if the school disagrees to change or destroy information when challenged, and the right to waive access to letters of statements of recommendations or evaluations.

Student education records are forwarded to other schools which have requested the records and in which the student seeks or intends to enroll.

NOTIFICATION OF STUDENT SOCIAL SECURITY NUMBER COLLECTION & USAGE

In compliance with § 119.071(5), Fla. Stat., this statement provides notification of the purpose for the collection and usage of student social security numbers by Marion County School Board (MCSB). MCSB collects and uses a social security number only if specifically authorized by law to do so or it is imperative for the performance of its duties and responsibilities as prescribed by law.

According to § 1008.386, Fla. Stat. each district school board shall request that each student enrolled in a public school in this state provide his or her social security number. Each school district shall use social security numbers as student identification numbers in the management information system maintained by the school district. A student satisfies this requirement by presenting to school enrollment officials his or her social security card or a copy of the card. The school district shall include the social security number in the student's permanent records.

All social security numbers are protected by federal regulations Family Educational Rights and Privacy (FERPA). To protect identity, Marion County School Board will secure student social security numbers from unauthorized access and assign a unique student identification number. This unique identification number will then be used for all associated education purposes.

The term, Educational Records, does not include:

- A. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - 1. are in the sole possession of the maker thereof; and
 - 2. are not accessible or revealed to any other individual except a substitute;
For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.
- B. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.
- C. Records relating to a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are:
 - 1. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; and
 - 2. created, maintained, or used only in connection with the provision of treatment to the student; and
 - 3. not disclosed to anyone other than individuals providing the treatment; except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice:
For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.
- D. Records which contain only information relating to a person after that person was no longer a student in the District. An example would be information collected by the Board pertaining to the accomplishments of its alumni.

The student's school record shall contain the following information that shall be retained permanently:

- A. name, address and telephone listing of parent or guardian
- B. enrollment data to include validated birth record, proof of residency,

immunization records and social security number or computer number

- C. attendance records
- D. grades and/or transcripts
- E. standardized and/or mandated achievement test data, including proficiency test records which include the date each student meets the proficiency level for the test administered
- F. date of graduation and/or transfer or withdrawal

The student's school record shall contain, if applicable to the individual, the following information, to be retained for a period not less than five (5) years beyond the date of high school graduation:

- A. health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law
- B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records
- C. awards and recognitions
- D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act, or other applicable State laws and regulations
- E. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program
- F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records.

RESPONSIBILITY

The Custodian of Records (COR) shall be the principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational record. The COR is responsible for the implementation of this District's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use or otherwise have access to student records of this District's policies and procedures on confidentiality. S/He shall also maintain a current list of the locations of all records held for each student in his/her school.

Ongoing Maintenance of Records

A. Public Listing of Authorized Employees

1. Each COR shall maintain a current listing of those employees and other persons authorized to access personally-identifiable information housed at the location specified.

2. Each COR shall post and maintain the listing for public inspection at his/her respective location.

B. Types and Location of Records

1. The COR shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.

The list shall be provided to parents/adult students upon request.

2. The student record shall be stored in secured facilities or equipment. The records shall be available only to those specified in policy or these guidelines.

C. Consent to Disclose Information

1. Whenever there is a request for a copy of information from a student's record, the COR shall obtain written and dated consent, prior to disclosure of records, from penalty/adult students which includes:
 - a. the records that may be disclosed;
 - b. the purpose for which the disclosure may be made;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. whether or not the parents/adult students wish to have a copy of the records disclosed and/or, if the student is not an adult student, whether the District should provide that student with a copy of the disclosed record.

Signed permission should be obtained from adult students prior to allowing their parents access to the records, provided the student is not considered a dependent under Section 152 of the Internal Revenue Code.

2. Prior consent will not be needed if:
 - a. the disclosure is to other District personnel who have a legitimate educational interest (as defined by Board policy) in the information;
 - b. the disclosure is to another school, School District, or postsecondary institution, as stated in Board policy;
 - c. the disclosure is for an emergency;
 - d. the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, providing there is a standing order issued by the juvenile court having jurisdiction over the student or the parents have signed a release as a condition for entering into the jurisdiction of the juvenile court;
 - e. the disclosure is authorized by other sections of the Family Education Rights and Privacy Act (FERPA).
3. No person shall release to a parent of a student who is not the custodial parent or any other person any information about the school to which the student has transferred or that would enable the parent who is not the custodial parent to locate the student if the

school to which the student has transferred informs this District that the student is under the care of a shelter for victims of domestic violence.

Parents: Disclosure, Inspection, Review of Records

The COR shall permit parents/adult students, upon request, to retrieve information from and to inspect and review, records relating to the student's education and maintained by the District. The following conditions shall apply:

- A. At times, agencies or individuals outside the District provide the District with information necessary and relevant to the student's education. Such information may be provided to the District only with the written consent of the parent. Upon parental or adult student request the school will notify the parent with the date and source of any record generated outside the District.
- B. If any educational record includes information on more than one (1) student, the parents/adult students shall have the right to review and inspect only the records relating to the student, or to be informed of that specific information.
- C. The request for a review must be honored without unnecessary delay and before any meeting regarding an individualized educational program or hearing relating to the identification, evaluation, or placement of the student and in no case later than forty-five (45) days from receipt of request.
- D. The parents/adult students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent which:
 1. specifies the records which may be disclosed;
 2. states the purpose of disclosure;
 3. identifies the party or class of parties to whom the disclosure may be made.
- E. The District shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.
- F. If the parents/adult students request an opportunity to inspect and review records, a written request is necessary. The COR shall arrange a mutually-agreeable time for the review with the parents/adult students.
- G. Subject to the limitations within the law, policy and/or guidelines, the COR shall provide parents/adult students with copies of any information in the student's educational records and shall respond to reasonable requests for explanation and interpretation of the records. Signed permission should be obtained from adult students prior to allowing their parents access to the records. Copies of the records, except for test protocols, shall be provided for the current cost of duplication unless that fee effectively prevents the parents/adult students from exercising the right to inspect and review the records. Copies of test protocols will be provided only under the following circumstances:
 1. the parent is physically unable to come to the school to view the protocols;
 2. if the principal believes the protocols should be sent to an appropriately-licensed outside professional;

3. if the parent is preparing for a hearing under Article 7 or section 504.
- H. If the parents/adult students request disclosure of specific information by telephone, the COR shall not disclose requested information.
- I. Amendments of Records

The COR shall provide parents/adult students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy.

EMERGENCY RELEASE

The COR may release any personally-identifiable information (without parent's/adult student's consent) to appropriate parties in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the COR, shall ascertain whether the request constitutes a health/safety emergency and, if so, provide the requested information immediately.

TRANSFER OF RECORDS TO OTHER DISTRICTS

Transfer of student records must be within three (3) school days of request and shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this District.

The COR shall transfer a student's records to another school when requested by the District in which the student intends to enroll, provided the Board notifies the parents of the transfer, informs the parents of their right to get a copy of the document, and affords the parents an opportunity for a hearing to challenge the content of the record.

A copy of the cover letter sent to the School District shall be retained in the student's file.

If parents/adult students request a copy of the records being transferred, they shall be provided at the District's standard fee.

If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.

DISCLOSURE FOR STUDENT FINANCIAL AID

The COR may release, without parents' consent, student information regarding financial aid for which a student has applied or which a student has received, provided that personally- identifiable information from the education records of the student may be used only:

- A. to determine the eligibility of the student for financial aid;
- B. to determine the amount of financial aid;
- C. to determine the conditions which will be imposed regarding the financial aid;
- D. to enforce the terms or conditions of the financial aid.

DESTRUCTION AND REVIEW OF RECORDS

If a student is identified as a student with a disability under the Individuals with Disabilities Education Act

("IDEA") or Section 504 of the Rehabilitation Act of 1973, the COR shall:

- A. maintained the student's educational records for five (5) years after termination of special education programs, services, and/or graduation; and
- B. only destroy such educational records after notifying the parents/adult students that the information is no longer needed to provide educational services and will be destroyed.

8330 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Maintenance of Student Records

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and necessary and relevant to the function of the School District or specifically permitted by this Board shall be compiled by District employees.

Each school will maintain a permanent cumulative record for each student enrolled in the school which will contain the data as prescribed by Administrative Rule F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall include the following types of data:

A. Category A Records, Permanent Information

1. Student's full legal name.
2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
3. Last known address of the student.
4. Name(s) of the student's parent(s) or guardian(s).
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.
7. Courses taken and record of achievements, such as grades, credits, or certification of competence.
8. Date of graduation or date of program completion.
9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

B. Category B Records, Temporary Information

1. Health information and health care plans.
2. Family background data.
3. Standardized test scores.
4. Educational and career plans.
5. Honors and activities.
6. Work experience reports.
7. Teacher comments.
8. Reports of student services or exceptional student staffing committees including all information required by F.S.1001.42(13).
9. Discipline records.
10. School Environmental Safety Incident Reports (SESIR) collected under F.S. 1006.07(9).
11. Threat assessments done by the threat assessment team pursuant to F.S. 1006.07(7).
12. Academic and behavioral intervention services.
13. Psychological evaluations.

14. Therapeutic treatment plans and therapy progress notes.
15. Correspondence from community agencies or private professionals.
16. Driver education certificate.
17. List of schools attended.
18. Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records.
19. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for Public Schools Pre K-12, Adult and Vocational/Technical.

Category A and B records will be maintained in compliance with the approved District records retention schedule.

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved District records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

Limitations on Collection and Retention of Certain Information

The District will not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term "biometric information" means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

The District will not maintain any report or record relative to a student that includes a copy of a student's fingerprints.

The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by the District must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive annual notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records will be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians. The term "eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within the School District providing they have a legitimate educational interest. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons will receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the District, will thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. The School District may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution will thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student's records maintained by the District will be retained by the parents.

The custodian of the student record will permit the eligible student or the parents or guardians of the student who is or has been in attendance in the School District to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case will be more than thirty (30) days after the request has been made.

The District presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools will make available a member of the professional staff to interpret the record and will provide copies, upon request and payment of the current District copy rate, which will not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

School officials will provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver be made in writing to the custodian of the records and will be signed by the parent, guardian, or eligible student. Such waiver apply to recommendations or evaluation only if:

- A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
- B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of the right of access may be revoked in writing with respect to actions occurring after the revocation.

Court Request of Records

- A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to the time for compliance set forth in the court order, s/he will bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.
- B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The Superintendent may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the students' parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

Disclosure of Student Record Information

Notwithstanding any other provision in this policy, student education records will not be disclosed to any person, public body, body politic, political subdivision, or agency of the Federal government except when authorized by State or Federal law or in response to a lawfully issued subpoena or court order in accordance with State law, student education records are exempt from the provisions of F.S. Chapter 119.

- A. Prior Written Consent
 - 1. Prior written consent of the parent, guardian, or eligible student will be obtained prior to disclosing personally identifiable student information other than directory information. The written consent will include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of

parties to whom a disclosure is to be made.

2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. The District presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally identifiable student information unless the District has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. Without Prior Written Consent

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

This written agreement must include:

- a. designation of the receiving individual or entity as an authorized representative;
- b. specification of the information to be disclosed;
- c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;
- d. a summary of the activity that includes a description of the methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;
- e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must be destroyed; and
- f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; or enforce the terms and conditions of the aid.
5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

6. Accrediting organizations, in order to carry out their accrediting functions.
7. School Readiness programs as provided in State law in order to carry out their assigned duties.
8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.
9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.
14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
16. "Directory information" as specified in this policy.
17. If the District initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the District. In such circumstances, the District may disclose to the court, without a court order or subpoena, the education records of the student that are

relevant for the District to proceed with legal action as the plaintiff or to defend itself.

18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in Sections 2331 and 2332 of Title 18, U.S. Code.

Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes pursuant to an ex parte order.

Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

C. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information will be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure will include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of the Board with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require access to personally identifiable information and/or those specified in the law.

D. Disclosures - Health or Safety Emergencies

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the Superintendent by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency will include the need for specific personally identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

DIRECTORY INFORMATION

The District shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. The District shall charge fees for copies of designated directory information as provided in State law. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended. Designation of directory information shall occur at a regularly scheduled Board meeting. At the meeting, the Board shall consider whether designation of such information would put students at risk of becoming targets of marketing campaigns, the media, or criminal acts.

An annual written notice will be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of the District's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school system request that all specific portions of directory information for that specific student not be released.

Directory information will not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the Superintendent.

In accordance with Federal law, the District will release the names and addresses of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If

the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The District may disclose "directory information" on former students without student or parental consent.

Transfer of Student Records

When a student, previously enrolled in the District transfers out of the District to another school, public or private, within this State or out of State, the Principal, upon written request of the principal of the receiving school, the parent, guardian, or eligible student, shall, within three (3) school days, transfer a copy of the student's cumulative record as required in Florida statutes.

If applicable, the records to be transferred shall also include:

- A. verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and
- B. psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.

The records shall be transferred within three (3) school days of receipt of a written request from the principal of the receiving school, the parent, guardian, or eligible student.

While all reasonable efforts will be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The District is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability will attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board.

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**Book
Policy Manual**

**Section
8000 Operations**

**Title
STUDENT RECORDS**

**Code
po8330**

**Status
Active**

Legal

[F.S. Chapter 119](#)
[F.S. 1001.41](#)

[F.S. 1001.52](#)

[F.S. 1002.22](#)

[F.S. 1002.221](#)

[F.S. 1002.222](#)

[F.S. 1003.25](#)

[F.A.C. 6A-1.0955](#)

[20 U.S.C. 1232f \(FERPA\)](#)

[20 U.S.C. 1232g \(FERPA\)](#)

[20 U.S.C. 1232h \(FERPA\)](#)

[20 U.S.C. 1232i \(FERPA\)](#)

[20 U.S.C. 7908](#)

[26 U.S.C. 152](#)

[20 U.S.C. 1400 et seq., Individuals with Disabilities Act](#)

[Privacy Rights of Parents and Students - P.L. 90-247](#)

[No Child Left Behind Act of 2001 - P.L. 107-110](#)

Adopted

July 12, 2022