

Education
Mercedes Toural, Associate Superintendent

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL
 READING 6Gx13- 5B-1.07, STUDENT RECORDS**

COMMITTEE: LEGISLATIVE RELATIONS AND POLICY DEVELOPMENT

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13-5B-1.07, Student Records and the document, Student Educational Records, which is incorporated by reference and is a part of this rule, in order to comply with changes in Federal and State legislation. Additions to the Family Educational Rights and Privacy Act (FERPA), and the enactment of the USA Patriot Act of 2001 and the No Child Left Behind Act of 2001 require this revision.

As a result of these changes, student directory information will be released, upon request, to military services recruiters and postsecondary education institutions. Parents and eligible students will be given the opportunity to restrict the release of directory information to these entities. Included in this revision are the addition of disciplinary records to the list of Category B -Temporary Information which is to be transmitted to other educational institutions as part of a student's record, clarification of stepparent rights concerning student records, clarification of separated or divorced parents' rights to in person communication with school personnel, the definition of school official, the procedures for compliance with court orders or subpoenas that require no disclosure of or consent for the release of records, a revised parental notification of rights letter and the opt-out form which is to be used when a parent or eligible student does not want directory information released.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the document, **Student Educational Records**, will be provided to Board Members under separate cover and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132, prior to the School Board meeting of December 11, 2002.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 5B-1.07, Student Records.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 5B-1.07, Student Records, by amending the document, Student Educational Records, which is incorporated by reference and is a part of this rule.

RKF/PH/sm

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 11, 2002, its intention to amend Board Rule 6Gx13- 5B -1.07, Student Records, at its meeting of January 15, 2003.

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate the changes in Federal and State legislation specified in the revisions to the Family Educational Rights and Privacy Act (FERPA), the enactment of the USA Patriot Act of 2001, and the No Child Left Behind Act of 2001.

SUMMARY: The document entitled **Student Educational Records**, which is incorporated by reference and is part of the rule, has been amended to provide for releasing student directory information. As a result of changes in Federal and State legislation, student directory information will be released, upon request, to military services recruiters and postsecondary education institutions. Parents and eligible students will be given the opportunity to restrict the release of directory information to these entities. Included in this revision are the addition of disciplinary records to the list of Category B -Temporary Information which is to be transmitted to other educational institutions as part of a student's record, clarification of stepparent rights concerning student records, clarification of separated or divorced parents' rights to in person communication with school personnel, the definition of school official, the procedures for compliance with court orders or subpoenas that require no disclosure of or consent for the release of records, a revised parental notification of rights letter and opt-out form which is to be used when a parent or eligible student does not want directory information released.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: Law Implemented, Interpreted, or Made Specific: 61.13(2)(b)3; 119.041; 1002.42(3); 1002.22; 1001.43; 1001.52; 1008.23 F.S.; 20 USC §1232 g; 6A-1.0955 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF JANUARY 15, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by January 8, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N. E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Ronald K. Felton
Supervisor: Ms. Mercedes Toural
Date: November 25, 2002

Progress

STUDENT RECORDS

Records are necessary to facilitate the orderly educational progress of each student. The information contained in student records shall be limited to those data elements necessary for the making of educational decisions. Continued efforts shall be made to protect the accuracy and privacy of the information contained in student educational records.

In order to implement a student records system, the Superintendent of Schools shall have the responsibility for developing and issuing directives, consistent with the appropriate Federal and State Statutes pertaining to student records.

The document, **Student Educational Records**, shall contain the District's directives and procedures relative to that subject and is incorporated into this Board Rule. Copies of the document are on file for public reference in the Office of the Board Recording Secretary, ~~to the School Board~~ and in the Citizen Information Center. Additionally, a copy shall be available at each region office for inspection.

Specific Authority: ~~230.22(2); 230.23(17)~~ 1001.41(1), (2); 1001.42(22); 1001.43(10)F.S.
Law Implemented, Interpreted, or Made Specific: ~~61.13(2)(b)3; 119.041; 228.0921002.42(3);~~
~~228.0931002.22; 230.23005(6)~~1001.43; ~~230.334~~ 1001.52; ~~232.248~~ 1008.23 F.S.; P.L. 93-380
20 USC §1232 g; 6A-1.0955 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Amended: 11-25-75; 3-31-82; 6-26-85; 1-21-87; 9-21-94; 12-9-98