

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: **INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 0141.1, STUDENT ADVISOR TO THE BOARD, 5111.01, HOMELESS STUDENTS, 8330, STUDENT RECORDS, AND REPEAL AND REPLACEMENT OF POLICY 5350, STUDENT SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION**

COMMITTEE: **ACADEMICS, INNOVATION, EVALUATION, & TECHNOLOGY**

LINK TO STRATEGIC PLAN: **SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENTS**

Consistent with the Board's statutory responsibility to periodically review and update policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to amend Board Policies 0141.1, *Student Advisor to the Board*, 5111.01, *Homeless Students*, 8330, *Student Records*, and repeal and replace Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*.

Policy 0141.1, *Student Advisor to the Board*, is proposed for amendment pursuant to Board action at its regular meeting of January 18, 2023. The amendment deletes the requirement that a student advisor candidate must be able to take an Executive Internship with the advisor to the District Student Government Association to be eligible for election.

Policy 5111.01, *Homeless Students*, is proposed for amendment as a result of HB 1577 (2022), which revised the definition of homeless youth and other definitions in Florida Statutes, Section 1003.01 and the requirement that district school boards issue each homeless youth certified under F.S. 743.067 a card documenting homeless status and other required information. The proposed amendments also elucidate transportation requirements, services for homeless preschool youth, and dispute resolution procedures for homeless youth, in accordance the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) (42 United States Code § 11431-11435).

Policy 8330, *Student Records*, is proposed for amendment as a result of changes to F.A.C. 6A-1.0955 (Nov. 22, 2022). The amendments clarify various definitions and delineate additional types of category A and category B education records. Threat assessment records must be maintained in a student's category B records and non-threat determinations may not be maintained unless certain conditions are met. The amendments specify limitations on collection and retention of certain information and require verified reports of serious or recurrent behavior and threats to be contained in records upon transfer to another school. The amendments clarify when access to student records

may be granted to school officials and reinforce certain safeguards from unauthorized disclosure. F.A.C. Rule 6A-1.0955 now requires specified conditions in contracts with third-party vendors for online educational services, procedures for notifying parents and eligible students if student personally identifiable information (PII) will be collected by the online educational service, an explicit prohibition against sharing or selling a student's PII for commercial purposes without providing parents a means to either consent or disapprove, and notice on the District's website of the PII that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure. The amendments specify that the use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in disciplinary proceedings, up to and including expulsion, and may result in student PII being disclosed and not protected.

Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*, is recommended for repeal and replacement to address new provisions related to the use of suicide risk assessments in F.A.C. Rule 6A-4.0010 (Nov. 22, 2022), including the qualifications of individuals permitted to administer such an assessment and parent notification requirements. Additional revisions to this policy address youth suicide awareness and prevention training. The policy is recommended for repeal and replacement to better align it to the requirements of the rule and current practice.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

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 Board Policies 0141.1, *Student Advisor to the Board*, 5111.01, *Homeless Students*, 8330, *Student Records*, and repeal and replace Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 15, 2023, its intention to amend Board Policies 0141.1, *Student Advisor to the Board*, 5111.01, *Homeless Students*, 8330, *Student Records*, and repeal and replace Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*, at its meeting of April 19, 2023.

PURPOSE AND EFFECT: Board Policy 0141.1, *Student Advisor to the Board*, is proposed for amendment as a result of Board action. Policies 5111.01, *Homeless Students*, 8330, *Student Records*, are proposed for amendment, and Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*, is proposed for repeal and replacement, as a result of statutory amendments and Florida Administrative Code rule changes.

SUMMARY: Policy 0141.1, *Student Advisor to the Board*, is proposed for amendment pursuant to Board action to delete the requirement that a student advisor candidate must be able to take an Executive Internship with the advisor to the District Student Government Association to be eligible for election. Policy 5111.01, *Homeless Students*, is proposed for amendment as a result of HB 1577 (2022), to revise the definition of homeless youth and other definitions in Florida Statutes, Section 1003.01 and the requirement that district school boards issue each homeless youth certified under F.S. 743.067 a card documenting homeless status and other required information; elucidate transportation requirements, services for homeless preschool youth, and dispute resolution procedures for homeless youth, in accordance the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) (42 United States Code § 11431-11435). Policy 8330, *Student Records*, is proposed for amendment as a result of changes to F.A.C. 6A-1.0955 (Nov. 22, 2022), to clarify various definitions and delineate additional types of category A and category B education records; require that threat assessment records must be maintained in a student's category B records and that non-threat determinations may not be maintained unless certain conditions are met; specify limitations on collection and retention of certain information and require verified reports of serious or recurrent behavior and threats to be contained in records upon transfer to another school; clarify when access to student records may be granted to school officials; reinforce certain safeguards from unauthorized disclosure; require specified conditions in contracts with third-party vendors for online educational services, procedures for notifying parents and eligible students if student personally identifiable information (PII) will be collected by the online educational service, an explicit prohibition against sharing or selling a student's PII for commercial purposes without providing parents a means to either consent or disapprove, and notice on the District's website of the PII that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure; specify that the use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in disciplinary proceedings, up to and including expulsion, and may result in student PII being disclosed and not protected. Policy 5350, *Student Suicide Prevention, Intervention, and Postvention*, is recommended for repeal and replacement to address new provisions related to the use of suicide risk assessments in F.A.C. Rule 6A-4.0010 (Nov. 22, 2022), including the qualifications of individuals permitted to administer such an assessment and parent notification requirements. Additional revisions to this policy address youth suicide awareness and prevention training. The policy is recommended for repeal and replacement to better align it to the requirements of the rule and current practice.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(8), (10); 1001.43(1), (8).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1002.22; 1002.221; 1002.222; 1003.21; 1003.22; 1001.42(8); 1012.583; 42 U.S.C. 11431 et seq.; 20 U.S.C. 9101 et seq.; Fla. Admin. Code r. 6A-1.0955; Fla. Admin. Code r. 6A-1.0955; Fla. Admin. Code r. 6A-4.0010.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 19, 2023, 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 in Section 120.54(1), F.S., must do so in writing by March 15, 2023, to the Superintendent, 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)

COPIES OF THE PROPOSED AMENDED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	February 15, 2023 - <u>Initial</u> Reading
Title	STUDENT ADVISOR TO THE SCHOOL BOARD
Code	0141.1
Status	<u>Initial</u> Reading

0141.1 - **STUDENT ADVISOR TO THE SCHOOL BOARD**

The student advisor to the School Board shall participate in Board meetings and represent the interests of the District Student Government Association (DSGA) and the student body to the Board. The student advisor shall be elected by the Miami-Dade County Association of Student Government Presidents. The Office of the Superintendent will provide each new student advisor materials on the functions of the Board and its role in the school system, provide ongoing mentorship, and assign a District-level liaison for the student advisor in the Office of the Superintendent.

I. **Eligibility**

To be elected, a student advisor candidate:

- A. must have attended a minimum of two (2) regularly scheduled monthly meetings of the DSGA during the prior school year;
- B. must have maintained and continue to maintain an unweighted minimum grade point average of 3.0, have no "F"s as final grades, and no conduct grade below a "C;"
- ~~C. must be able to take an Executive Internship with the advisor to DSGA during the school year.~~

II. **Orientation**

Following the election of the student advisor, the student advisor will meet with:

- A. the District-level liaison in the Office of the Superintendent, who will provide the student advisor with an orientation on how Board meetings are conducted and how the student advisor's tasks should be accomplished;
- B. the Board members and their administrative assistants on an individual basis to discuss their perceptions of the role of the student advisor;
- C. the Superintendent and senior staff to obtain an understanding of the organization of the school system; and

- D. other staff members based upon the recommendation of the Board members, the Superintendent, and the administrative assistants to obtain an in-depth understanding of the various departments and offices.

III. Duties

The student advisor shall:

- A. serve as official liaison between the Board and the students enrolled in the District;
- B. act as a public representative of the students of the District at various conferences, meetings, and ceremonies;
- C. attend as many monthly Board meetings as possible and sit on the dais;
- D. read, research, and obtain answers to questions related to Board agenda items;
- E. review publications and disseminate information regarding items of interest to the student population;
- F. attend DSGA Executive Board meetings to share Board agenda items of student interest;
- G. meet monthly with the DSGA to ensure that Board items of interest are discussed with the full DSGA and receive input from the DSGA as to how the student advisor will support the student voice on Board-related items.

Effective 7/1/11
Revised 1/18/23

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Legal References: F.S. 1001.43

Adoption Date: **05.11**
Classification:
Revised Dates: ; **01.23**



Book	Policy Manual
Section	February 15, 2023 - <u>Initial</u> Reading
Title	HOMELESS STUDENTS
Code	5111.01
Status	<u>Initial</u> Reading

5111.01 - HOMELESS STUDENTS

The District Project UP-START program serves children and youth who are identified as meeting the Federal definition of "homeless". Homeless children and youth, including those who are not currently enrolled in school due to homelessness, shall have equal access to the same free appropriate public education (FAPE) in public schools and preschool education programs in the same manner as all other District students.

Additionally, homeless students shall have access to other services needed to ensure an opportunity to meet the same challenging State academic standards to which all students are held and to fully participate in the District's academic and extra-curricular activities for which they meet relevant eligibility criteria. To that end, homeless students shall not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness and shall remove barriers identifying homeless children and youth.

The District shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those students who may be a member of any of the protected classes (See Policy 2260, *Nondiscrimination and Access to Equal Educational Opportunity*). No School Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or success of homeless children and youth in school.

I. Definition of Homeless Students and Youth

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason;
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;
- C. live in emergency or transitional shelters;
- D. are abandoned in hospitals;
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; or

G. are migratory children who are living in circumstances described above.

Pursuant to the McKinney-Vento Act, the definition of homeless students and youth includes an unaccompanied youth or child who is not in the physical custody of a parent or guardian, including a youth who has run away from home, who has been forced to leave his or her home, or whose parents have left the area and left the youth behind. Under State law, an unaccompanied homeless youth, who is sixteen (16) years of age or older and found to be unaccompanied homeless youth eligible for services under Federal law, shall be issued a card documenting homeless status by the District's Liaison for Homeless Children that includes information on the rights and benefits for such youth, the contact information for the District's liaison for homeless children and youths, and all of the information required by F.S. 1001.42(28).

II. Services to Homeless Children and Youth

The District and each school shall provide services to homeless students that are comparable to other students in the District, including, but not limited to:

- A. transportation services to the school of origin;
- B. public preschool programs administered by the LEA;
- C. counseling services for unaccompanied youth to prepare and improve their readiness for postsecondary education;
- D. other educational programs and services for which the homeless student meets eligibility criteria including, but not limited to:
 - 1. programs for children with disabilities;
 - 2. programs for English Language Learners (ELL) (i.e. students with Limited English Proficiency (LEP));
 - 3. programs in career and technical education;
 - 4. programs for gifted and talented students;
 - 5. school nutrition programs; ~~and~~
 - 6. Title I programs; and
 - ~~6-7.~~ before and after school programs.

The Superintendent shall appoint a District Liaison for homeless children and youth who will perform the duties required by the McKinney-Vento Act. Additionally, the Liaison will coordinate District programs and collaborate with the State Coordinator for the Education of Homeless Children and Youth, as well as with community and school personnel responsible for the provision of education and related services to homeless children and youth. The Liaison will coordinate and collaborate with local social services and other community agencies to provide support to homeless students and their families, with other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed, and with housing authorities, and with Exceptional Student Education (ESE) programs.

III. School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. An "eligible school" is the school of origin, the school zoned for the address where the student is temporarily residing, or

another school which students residing in that attendance zone are eligible to attend. To ensure stability, the District must make school placement determinations based on the "best interest" of the homeless child or youth considering student-centered factors. The eligible school for the student is the school of origin, the school zoned for the address where the student is temporarily residing, or another school in which students residing in that attendance zone are eligible to attend. The District shall:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year and will continue to be receive all McKinney-Vento Act benefits; or
- B. enroll the student in the District school zoned for the address of the nighttime residence that non-homeless students who live in the attendance area are eligible to attend.

When determining a child or youth's best interest, the District must presume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or was enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin. The designated receiving school includes the next level of school (e.g. elementary from prekindergarten; middle from elementary; high from middle) that a homeless child or youth will attend.

When determining the student's best interest, the District must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety. The District also considers the school placement of siblings when making this determination.

If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the District must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include information on the right to appeal the placement determination and be provided in a timely manner.

IV. Immediate Enrollment

The District is obligated to remove barriers to the enrollment and retention of homeless students in District schools and preschool education programs. "Enroll" and "enrollment" include attending classes and participating fully in school activities. Upon enrollment in a District school, the homeless student must be immediately enrolled, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate, previous academic records, or other required documentation. Pursuant to Board Policy 5112 and Policy 5320, a homeless student must be given thirty (30) days to produce the documentation of verification of age and health/immunization records. The homeless student must also be enrolled immediately in the eligible school regardless of whether the student missed application or enrollment deadlines during the period of homelessness, fails to meet uniform or dress code requirements, or has outstanding fines, fees, or absences or if the student does not have the uniform or dress code requirements. Enroll and enrollment include attending classes and participating fully in school activities. Homeless children and youth must be provided appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian, or unaccompanied youth to the Liaison or the Project UP-START staff members, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, proof of residence, other required documentation, and evaluations for special services or programs. Procedures for inter-state records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, it shall be the District's responsibility to ensure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.

V. Transportation

The District shall promptly provide homeless students with transportation services that are comparable to those available to non-homeless students. At the request of the parent or guardian, or the Liaison in the case of an unaccompanied youth, the District shall provide, or arrange for, transportation to and from the student's school of origin.

- A. If the homeless student continues to live in the District, comparable transportation shall be provided, or the District shall arrange for the student's transportation, to/from his/her school of origin.
- B. If the homeless student resides in another school district, but the best interest determination is that the student should continue his/her education at the school of origin in the District, the District and the school district in which the student now resides shall agree upon a method to equitably apportion responsibility and costs for comparable transportation to the school of origin. If there is no agreement, the District shall assume responsibility to transport the student from the district of residence to the school of origin in the District. Since Federal law requires that the responsibility and costs be shared equally, the district of residence shall be invoiced for their share of the cost for transportation.
- C. When the student obtains permanent housing, comparable transportation shall be provided to and from the school of origin until the end of the school year.
- D. The mode of transportation shall be determined in consultation with the parent or guardian and shall be based on the best interest of the student.
- E. In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. Until the Districts reach agreement, the responsibility and costs for transportation shall be shared equally.
- ~~C.F.~~ If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both states should try to arrange an agreement for the districts.

VI. Dispute Resolution

Homeless families and youth have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian, or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the District must follow its dispute resolution procedures, consistent with the State's procedures. If a school selection dispute arises, the child or youth will either remain enrolled in the student's school of origin or shall be immediately enrolled in the eligible school in which enrollment is sought. This includes the school zoned for the address where the student is residing or another school which students residing in that attendance zone are eligible to attend, pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved. The parent, guardian, or unaccompanied youth shall be referred to the District's designated Homeless Liaison/Project UP-START Coordinator to carry out the dispute resolution process as expeditiously as possible (305-995-7318).

Pursuant to Federal and State law, State Board rule, and this policy, ~~T~~he District will provide the parent, guardian, or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the District, along with a written explanation of the right to appeal the decision to the Superintendent's designee within ten (10) days. All decisions and notices shall be provided in a manner and

form understandable to the parent, guardian, or unaccompanied youth.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including the following:

- A. a description of the proposed or refused action by the school;
- B. an explanation of why the action is proposed or refused;
- C. a description of other options the school considered and why those options were rejected;
- D. a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources; and
- E. an appropriate timeline to ensure deadlines are not missed.

The District's notice and written explanation shall include contact information for the Liaison and the State Coordinator, and a brief description of the roles of each. The District's notice and written explanation shall also inform the parent, guardian, or unaccompanied youth that the Liaison is responsible for providing information describing the State-level dispute resolution process and distributing the appropriate forms to all parties wanting to file an appeal.

To initiate the State-level appeals process, within ten (10) working days after receiving written notification of the District-level or inter-district decision, the parent, guardian, or unaccompanied youth may file an appeal with the Liaison, who must provide it to FLDOE. Upon receipt of an appeal, the Liaison is required to notify FLDOE of the State-level appeal and provide that appeal to the FLDOE. The local liaison also must log incidents of State-level appeals in the FLDOE Online Dispute Resolution Tracking System. The FLDOE and the Commissioner of Education will render a decision on any appeal and provide a copy of such decision to the parties.

All decisions and notices shall be drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to Federal laws.

The District will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

VII. Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school and include information to contact the District Homeless Liaison and the State Coordinator for the Education of Homeless Children and Youth. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

VIII. Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs and Head Start programs administered by the District. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the District takes into account the same factors as it does for any student, regardless of age. It also considers preschool age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin

even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

IX. Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school. All records of homeless students are subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy ~~8330~~, and 8330 and are kept in such a manner so that they are held confidential, non-directory information, and available in a timely fashion to be transferred promptly to the appropriate parties, as required when a child or youth enters a new school.

The District shall incorporate practices to protect student privacy in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Effective 7/1/11
Revised 4/25/18

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Legal References: F.S. 1003.21
 F.S. 1003.22
 F.S. 1001.42(28)
 42 U.S.C. 11431 et seq.
 20 U.S.C. 9101 et seq.

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Book	Policy Manual
Section	February 15, 2023 - <u>Initial</u> Reading
Title	STUDENT RECORDS
Code	8330
Status	<u>Initial</u> Reading

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the School Board has the authority to create student educational records and is responsible for maintaining, reviewing for accuracy, and restricting access to the records. Continued efforts will be made to protect the accuracy and privacy of the information contained in student educational records.

I. Definitions

- A. "Education records" means records that are directly related to a student and that are maintained by the District or a party acting for or on behalf of the District, as defined in 20 U.S.C. Section 1232g(a)(4).
- B. "Eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, at any age.
- C. "Institution" means any public school, center, or other entity that is part of Florida's education system under Sections 1000.04(2), (4), and (5), F.S.
- D. "Online educational service" means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online services that students or parents may use in their personal capacity or to online services that districts or schools may use to which students or parents do not have access, such as a district student information system.
- E. "Parent" or "parents" includes parents or guardians of students who are or have been in attendance at a school or institution.
- F. "Personally identifiable information" or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to, direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

G. "School day(s)" means any weekday that school is in session, based on the school district's calendar.

H. "Student" means any individual who is or has been in attendance in a District school and regarding whom the District maintains education records.

I. "Therapeutic treatment plan" means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.

J. "Therapy progress notes" means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.

K. "Third-party vendor" or "Third-party service provider" means any entity, whether public or private, that provides services to the Board through a contract or agreement. The term does not include the Florida Department of Education or the Department's contractors and subcontractors.

II. Maintenance of Student Records

Only records mandated by the State or Federal government and necessary and relevant to the function of the District or specifically permitted by this Board shall be compiled by District employees. The Superintendent is authorized to develop and issue directives pertaining to student records.

Each school shall maintain a permanent cumulative record for each student enrolled in the school which shall 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~~ be classified as follows:

A. Category A Records, Information for each student which shall be kept current while the student is enrolled and retained permanently in the manner prescribed by F.S. 1001.52(2) (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 achievement, such as grades, credits, or certification of competence~~.~~
8. Date of graduation or date of program completion, including a statement of diploma, that is, standard, special, certificate of completion, or General Equivalency Diploma~~.~~
9. State and/or District standardized assessment/achievement test results, if required for graduation~~.~~
10. Written records of access to the student's records~~.~~
11. Home language survey.

B. Category B Records, Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Section 1001.52(3), F.S. and F.A.C. 6A-1.0955 (Temporary Information)

1. Health information, family background data, standardized test scores, educational, career, and vocational plans, honors, and activities, work experience reports, teacher, ~~counselor~~ comments.
2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.

3. Academic and behavioral intervention services,

4. Psychological evaluations,

5. Therapeutic treatment plans and therapy progress notes,

~~3-6.~~ Correspondence from community agencies or private professionals.

~~4-7.~~ Driver education certificate.

~~5-8.~~ A list of schools attended.

~~6-9.~~ Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.

~~7-10.~~ Written requests to waive access to confidential records.

~~8-11.~~ Written requests to restrict the release of directory information.

~~9-12.~~ Court orders of relevance.

~~10-13.~~ Records of major student discipline recordsactions, School Environmental Safety Incident Reports (SESIR), suspension, and/or expulsion records.

14. Threat assessments determined to be transient or substantive by the threat assessment team pursuant to Section 1006.07(7), F.S.

15. Non-threats, as applicable in accordance with F.A.C. 6A-1.0955(6)(b). In order to protect students from stigma and unintended consequences, reported threats which are determined by a threat assessment team not to be a threat at all, meaning the threat does not rise to the level of transient or substantive, may be maintained by the threat assessment team, but must not be maintained in a student's file, unless one of the following conditions are met:

- a. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student's file; or
- b. The threat assessment team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student.

Such determination and reasoning for maintaining the record must be documented with the non-threat finding. Where such a determination is made, the threat assessment team must re-evaluate the decision on an annual basis to determine if the record is no longer useful. The student's age and length of time since the original assessment must be considered in those evaluations.

~~11-16.~~ Student Limited English Proficiency (LEP) Plans.

~~12-17.~~ Grade Change Forms.

~~13.18.~~ 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 and Such other records of educational importance as the school shall deem necessary.

Category A and B records shall be maintained in compliance with the approved District records retention schedule which is made available to all schools and appropriate worksites by the District's Department of Records and Forms Management. The District must maintain sufficient information, to include social security numbers for students enrolled in a postsecondary program, so that they can be located after they have either withdrawn or completed a program of study.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the District and shall be maintained in accordance with the approved District records retention plan.

III. Limitations on Collection and Retention of Certain Information

The District shall 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 shall 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.

Fingerprints

-

~~No report or record relative to a student which includes a copy of the student's fingerprints will be maintained by the District.~~

-

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

IV. Transfer of Student Records

When a student transfers to any school within the District or 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 of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first, transfer a copy of the student's cumulative record containing Category A and B information to the requesting school. Pursuant to Federal law, disciplinary records with respect to suspension and expulsion shall be considered "other records of educational importance" and, as a Category B record, shall be transferred to the requesting school. The administration is authorized to forward all Category A and B student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. The school shall retain a copy of the Category A and B information in its files. Category B health and testing information shall be retained if it is related to a weighted or categorical program placement which is subject to audit. Student records must contain verified reports of serious or recurrent behavior patterns, including substantive and transient threat assessments and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff. Non-threats must not be transferred with a student's educational record unless one of the conditions described in Section II.B.15. of this policy are met.

The files which are retained will be held by the principal who is custodian of the records for the period of time specified in the Student Educational Records Manual. Student records which are required for audit purposes for programs listed in F.S. 1010.305, must be maintained in the District for the time period indicated in F.A.C. 6A-1.0453. Category A and Category B student records retained beyond the specified time after the student leaves the District will be forwarded to Records Management. When a request comes to the school for student records after the files have been sent to Records Management, the written request should be forwarded to Records Management. Based upon reasonable requests, parents or eligible students will receive explanation and interpretation of the records. Records Management will make copies of the student's files at the current established rate cost.

~~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 District or charter school staff, as appropriate.~~

While all reasonable efforts shall 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 also not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

V. Periodic Review of Records

A periodic review of student records by the custodian or designee shall be made in accordance with F.S. 1001.52. The custodian of the student records shall be responsible for maintaining the accuracy of information.

The custodian of the records is responsible for amending materials in the student's records he/she believes is inaccurate, misleading, or otherwise in violation in the privacy of other rights of the student.

Student records scheduled for disposition/destruction in accordance with the procedures specified in the current Student Educational Records Manual will be forwarded to Records Management.

Type Record	Location	Custodian	Address
Active and inactive student records as specified in the current Student Educational Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory
Inactive student cumulative records (Category A) as specified in the current Student Educational Records Manual for the District	Central District office	Superintendent or designee	Records Management
Individual exceptional student education records as specified in the current Student Educational Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory

VI. Access to Student Records

The rights of parents and eligible students with respect to education records created, maintained, or used by the District must be protected according to FERPA and its implementing regulations. Parents and eligible students have the right to access education records, including the right to inspect and review those records, and have the right to waive their access to their education records in certain circumstances.

~~The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). 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.~~

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in the 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 shall 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 that expressly revokes those rights.

When records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, at the current District copy rate of 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 ½ inches, an additional 5 cents for each two-sided copy, and for all other copies, the actual cost of duplication of the public record, upon request. Testing/assessment materials will not be copied. The copy rate will include actual reproduction costs and will not include the labor costs for retrieval.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall 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 right of access may be revoked in writing with respect to actions occurring after the revocation.

In addition to students and their parents and eligible students, student records shall 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.

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 shall 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, shall 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 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 shall 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 records maintained by the District shall be retained by the parents.

VII. Disclosure of ~~Student Record~~ Personally Identifiable Information

Notwithstanding any other provision in this policy, student education records and personally identifiable information shall 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 and personally identifiable information 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 shall be obtained prior to disclosing personally identifiable student information. The written consent shall 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. 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. Whenever parental consent is required for the inspection and/or release of a student's health or educational records, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order.
3. 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.

B. Without Prior Written Consent

Personally identifiable records or reports 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, and teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records. The Superintendent may designate "other school officials" not directly employed by the School Board through inter-agency agreements that are created in support of legitimate educational interests and contain the pertinent requirements of this rule. Such agreements shall specify that the designated agency may not disclose the information to any other party without the prior consent of the parent or eligible student and may use the information only for the purposes for which the disclosure was made. However, the designated agency may make further disclosures of the information on behalf of the School Board if the disclosure meets the other requirements of this rule. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.
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.

4. Other school officials, in connection with a student's application for or receipt of financial 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.
6. Accrediting organizations, in order to carry out their accrediting functions.
7. School Readiness Coalitions and the Florida Partnership for School Readiness 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. Within a reasonable time after the disclosure, the District must record the following information in the student's education records when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
 - b. The parties to whom the agency or institution disclosed the information.
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 parent or eligible student is notified by the custodian of the record of the order or subpoena in advance of compliance.

A person or entity in accordance with a court of competent jurisdiction in compliance with an order of that court or the attorney of record 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.

If the custodian of the record is unable to notify the parent or eligible student prior to time of compliance, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instructions.

If it is a subpoena issued for a law enforcement purpose in which the court or other issuing agency orders the educational agency or institution not to disclose the existence or

contents of the subpoena or any information furnished in response to the subpoena, the school shall comply with the subpoena without giving notice to the parent.

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 pursuant to 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 Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
16. 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.
17. 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 specific 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.

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.

VIII. Directory Information

The District shall not make available certain information known as "directory information" without prior permission of the parents or the eligible student. The Board designates as student "directory information": a student's name; address; telephone number, if it is a listed number; 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; date of graduation or program completion; and awards received.

In accordance with State law, the District shall 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.

IX. Additional Safeguards for Student Education Records

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.

X. Required Use of Online Educational Services by Students and Parents

A. Protection from Misuse

In order to protect a student's PII from potential misuse and in order to protect students from data mining or targeting for marketing or other commercial purposes, the following procedure for review and approval of any online educational service that students or their parents are required. This procedure is required whether or not there is a written agreement governing student use, and whether or not the online educational service is free. This procedure is required even if the use of the online educational service is unique to specific classes or courses. This policy is being implemented to comply with section 9(a)A of the Florida Administrative Code § 6A-1.0955(9)(a)- Education Records.

B. Online Services Agreements or Contracts

All contracts or agreements executed by or on behalf of the Board with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. The online educational service's terms of service and privacy policy shall be reviewed to ensure compliance with state and federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. ss. 6501-6506, and Section 1002.22, F.S. Any agreement that provides for the disclosure or use of student PII must:

1. require compliance with FERPA, its implementing regulations, and F.S. 1002.22;
2. where applicable, require compliance with COPPA, 15 U.S.C. 6501-6506, and its implementing regulations;
3. ensure that only the student PII necessary for the service being provided will be disclosed to the third party in compliance with subsection C. below; and
4. prohibit any disclosure or re-disclosure of student PII unless one of the conditions set forth in subsection C. below has been met.

C. Conditions for Disclosure of PII in Contracts or Agreements with Third-Party Vendors (F.A.C. 6A-1.0955(11)(b))

Contracts or agreements with a third-party vendor or third-party service provider may permit the disclosure of student PII to the third party only where one or more of the following conditions has been met:

1. the disclosure is authorized by FERPA and 34 CFR §99.31;
2. the disclosure is authorized by the Board's directory information provisions set forth in this policy and implemented in accordance with FERPA and 34 CFR §99.37; or
3. the disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the student PII would be disclosed to, how it

would be used, and whether re-disclosure is permitted. Any re-disclosure must meet the requirements of F.A.C. Rule 6A-1.0955(11)(b) and this policy.

D. Procedure for Online Services Agreements or Contracts

Prior to submitting any online services agreement or contract to the School Board for approval:

1. The Superintendent shall designate a person or persons responsible for the review and approval of online educational services that are required for students to use.
2. The Superintendent shall establish procedures for notifying parents and eligible students if student PII will be collected by the online educational service.
3. If student PII will be collected by the online educational service, the Superintendent shall establish procedures for notifying parents and eligible students of information that will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any.

E. Explicit Prohibition against Sharing or Selling PII

1. Any agreement for online educational services shall contain an explicit prohibition against sharing or selling a student's PII for commercial purposes without providing parents a means to either consent or disapprove.
2. This disclosure prohibition does not prevent the purchase, merger, or other type of acquisition of a third-party provider or online educational service by another entity, provided that the successor entity continues to be subject to the provisions of this rule with respect to previously acquired PII.

F. Notice

For any online educational service that a student is required to use, the District will provide notice on its website of the PII information that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure. This notice will include a link to the online educational service's terms of service and privacy policy, if publicly available.

G. Compliance

Pursuant to this policy any online educational service provided through a Third-party vendor or Third-party service provider must be School Board approved. Failure to follow this policy may result in disciplinary proceedings, up to and including termination.

H. Parent/Guardian Notice

1. Students shall only use School Board approved online educational software, web-based tools or mobile applications on district provided devices. The use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in disciplinary proceedings, up to and including expulsion.
2. The use of any non-approved online educational software, web-based tools or mobile applications on district provided devices may result in student PII being disclosed and not protected.

XI. Record of Disclosures

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; or any other school officials with a legitimate educational interest. The record of requests for disclosure shall 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 School Board of Miami-Dade County, Florida, with direct responsibility for providing services to students and other school officials designated by the Superintendent through an inter-agency agreement. 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.

XII. Public Notification

Under FERPA, parents and eligible students must receive notice of their rights with respect to educational records. An annual written notice shall 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. The Superintendent shall prepare administrative procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's educational records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's educational records, except to those disclosures allowed by the law;
- D. challenge District noncompliance with a parent's request to amend the records through a hearing;
- E. obtain a copy of the District's policy and administrative procedures on student records.

The Superintendent shall also develop, and update as needed, procedures for:

- A. the proper storage and retention of records including a list of the type and location of record;
- B. informing District employees of the Federal and State laws concerning student records.

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 shall 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.

XIII. Hearing Procedure to Correct Student Records

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request an informal meeting with the record custodian for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the record custodian agrees at the informal meeting to grant the parent's request, the data or materials in question should be amended and the parent given written notification of the amendment. The appropriate school officials shall take the necessary actions to implement the amendment. If the parent's request is denied, the decision must be made in writing and provided to the parent, guardian, or eligible student, with a notification of the right to an informal hearing with the Regional Center. The decision of the Regional Center shall be made in writing to the parent, guardian, or eligible student with a copy to the Superintendent. The written decision of the Regional Center may be appealed to the Administrative Director, Division of Student Services.

A hearing shall be requested, in writing, to the Superintendent within ten (10) days of the written notice of denial at the informal hearing conducted by the Regional Center. The Administrative Director shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within a reasonable

time after the conclusion of the hearing. The hearing shall be held no more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by one or more individuals of his or her own choice, including an attorney. The hearing decision must be made in writing to the parent, guardian, or eligible student, must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and state any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

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Revised 9/4/19

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Legal References:

~~F.S. 1001.41~~

F.S. 1001.52

F.S. 1002.22

~~F.S. 1002.221~~

~~F.S. 1002.222~~

~~F.S. 1002.225~~

F.S. 1003.25

F.A.C. 6A-1.0955

~~F.A.C. 6A-1.9555~~

20 U.S.C. Section 1232f (FERPA)

20 U.S.C. Section 1232g (FERPA)

20 U.S.C. Section 1232h (FERPA)

20 U.S.C. Section 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

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Book Policy Manual
Section February 15, 2023 - Initial Reading
Title STUDENT SUICIDE PREVENTION, AWARENESS, ASSESSMENT, INTERVENTION, AND POSTVENTION
Code 5350
Status Initial Reading

5350 - STUDENT SUICIDE PREVENTION, AWARENESS, ASSESSMENT, INTERVENTION, AND POSTVENTION

The School Board recognizes that suicide is one of the leading causes of death for Florida's youth. To address the prevalence of student suicide, the Board believes there must be a partnership between families, the community, and schools. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.

The Board will provide access to suicide prevention educational resources to all instructional and administrative staff as part of the District's professional development program. The suicide educational resources will include material approved by the Statewide Office for Suicide Prevention, the Florida Suicide Prevention Coalition, and the Coordinated School Health Resource Center. The District's Office of Mental Health and Student Services staff will be responsible for providing suicide prevention and awareness, training and resources for students and staff. Suicide risk assessment training will be provided for school-based mental health services providers.

I. Signs of Suicidal Ideations

Any comments or knowledge of suicidal warning signs or risk factors must be taken seriously and reported immediately to a school-based mental health professional (counselor, social worker, psychologist, TRUST counselor or mental health coordinator), as well as to the school administrator.

All school personnel should be alert to signs of suicide ideation and to students who threaten or attempt suicide. Suicidal ideation is the process of fantasizing, planning, practicing, and motivating oneself to commit suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Families, community members, and students are encouraged to report any such signs to the principal.

II. Suicide Risk Assessments

All schools and local mobile response teams shall use the same suicide risk assessment instruments approved by the FLDOE pursuant to F.S. 1012.583. Only school-based mental health services providers who have been trained in the use of the instruments utilized by the District may give a risk assessment to a student expressing suicidal ideation or suicidal intent.

A "school-based mental health services provider" means a school psychologist certified under F.A.C. 6A-4.0311, a school social worker certified under F.A.C. 6A-4.035, a school counselor certified under F.A.C. 6A-4.0181, or a mental health professional licensed under F.S. Chapters 490 or 491, who is employed or contracted by the District to provide mental health services in its schools.

If a trained school-based mental health services provider is unavailable, a contracted certified or licensed mental health provider may evaluate students in the District for suicide risk, including the mobile response teams serving the District.

When a suicide risk assessment results in the initiation of an involuntary examination, the principal is required to make a reasonable attempt to notify the student's parent(s) before the student is removed from school, school transportation, or a school-sponsored activity, unless notification is delayed pursuant to F.S. 1002.20.

When a suicide risk assessment results in a change in related services or monitoring, a student's parent(s) must be notified as soon as possible, unless notification is withheld or delayed pursuant to F.S. 1001.42(8)(c)2.

III. Youth Suicide Awareness and Prevention Training

In-service training in youth suicide prevention and awareness shall be provided for school-based mental health services providers, administration, instructional staff and nurses. Further, additional professional development training regarding risk assessment and intervention shall be provided for school-based mental health services providers (i.e., counselors, TRUST counselors, psychologists, social workers, mental health coordinators, and nurses).

The training for school-based mental health services providers, administration, instructional staff, and nurses shall develop an understanding of how to use an intervention procedure which includes the following:

- Step 1 - Stabilization
- Step 2 - Assessment of Risk
- Step 3 - Use of Appropriate Risk Procedure
- Step 4 - Communication with Appropriate Parties
- Step 5 - Follow-up

School Board policies and District procedures regarding confidentiality shall be observed throughout any intervention.

A two (2) hour continuing education training program on youth suicide awareness and prevention, utilizing training materials from the list approved by the Florida Department of Education (FLDOE) shall be developed. The training will include an interactive component conducted by a school-based mental health services provider that addresses the following District or school-specific information:

- A. Identification of school-based mental health services providers available to the school and community-based mental health providers,
- B. Board policies and District procedures for responding to a student with suicidal ideation or suicidal intent,
- C. District guidelines for informing parents of suicide risk, and information on how to refer youth and families for mental health services in the community.
- D. Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services shall be included in the program. If provided at a school, the training shall be included in the existing continuing education or in-service training requirements for instructional personnel.

IV. Suicide Prevention Certified Schools

Any District school that meets the following requirements shall be considered a "Suicide Prevention Certified School" under Florida law:

- A. All instructional personnel at the school have participated in the two (2) hours of youth suicide awareness and prevention training, and repeat training every three (3) years;
- B. The requirement for all instructional personnel to complete youth suicide awareness and prevention training is included in the District's continuing education or master in-service plan;
- C. The school has at least two (2) school-based mental health services providers that are qualified to conduct suicide risk assessments using an instrument approved by the FLDOE; and,
- D. The school has a policy to use such suicide risk screening instrument to evaluate a student's risk before requesting the initiation of, or initiating, an involuntary examination due to concerns about the student's suicide risk.

The Superintendent will notify the FLDOE of all schools qualifying for this designation. Each school shall also post on its own website whether it is a Suicide Prevention Certified School, and the District shall post on its website a list of the Suicide Prevention Certified Schools in the District.

Pursuant to State law, participating in the training does not create any new duty of care or the basis of liability.

V. Additional Resources

Any student identification cards issued to students in grades 6 through 12 will include the telephone numbers for national or Statewide crisis and suicide hotlines and text lines.

In the event of a student suicide, crisis counseling and grief support services will be made available for students impacted by the loss. Impacted employees may be referred, if requested, to the Employee Assistance Program in accordance with Policies 1170.01, 3170.01, and 4170.01, *Employee Assistance Program (EAP)*.

Effective 7/1/11
Revised 4/29/20
Revised 10/19/22

Legal References

F.S. 14.2019
F.S. 14.20195
F.S. 1008.386
F.S. 1006.07(7), (11)
F.S. 1012.01(2)(b)
F.S. 1012.583
F.A.C. 6A-1.0018
F.A.C. 6A-4.0010

REPLACEMENT



Book	Policy Manual
Section	5000 Students
Title	STUDENT SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION
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Adopted	May 11, 2011
Last Revised	October 19, 2022

5350 - **STUDENT SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION**

Because youth suicidal behaviors, other forms of self-injury, and depression are a serious health risk for children and adolescents, all school personnel and students should be aware of the warning signs and risk factors associated with depression and suicidal behavior and how to seek assistance. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.

Any comments or knowledge of suicidal warning signs or risk factors must be taken seriously and reported immediately to a school-based mental health professional (such as a school counselor, school social worker, school psychologist, mental health coordinator, or clinician), as well as to the school administrator, and in cases of a threat to the safety of the students or others, a school police officer. All schools and local mobile response teams shall use the same suicide screening instrument approved by the FLDOE pursuant to F.S. 1012.583.

Intervention procedures performed by appropriate school personnel must include the following steps:

- Step 1 - Provide supervision
- Step 2 - Assist with stabilization
- Step 3 - Assessment of risk
- Step 4 - Notify school administration
- Step 5 - Notify School Police if a threat to safety Exists
- Step 6 - Notify Parent/Guardian
- Step 7 - Provide parent/guardian with a list of community-based mental health resources
- Step 8 - Provide follow-up support upon school re-entry

In the event of a student suicide, crisis counseling and grief support services will be made available for students impacted by the loss. Impacted employees may be referred, if requested, to the Employee Assistance Program in accordance with Policies 1170.01, 3170.01, and 4170.01, *Employee Assistance Program (EAP)*. Any student identification cards issued to students in grades 6 through 12 will include the telephone numbers for national or Statewide crisis and suicide hotlines and text lines.

School Board policies and District procedures regarding confidentiality shall be observed throughout any intervention.

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Legal

F.S. 14.2019

F.S. 14.20195

F.S. 1008.386

F.S. 1001.32(2)

F.S. 1001.42(8)

F.S. 1006.07(7), (11)

F.S. 1012.01(2)(b)

F.S. 1012.583

F.A.C. 6A-1.0018

F.A.C. 6A-1.094121

F.A.C. 6A-4.0010

REPEAL