

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

**SUBJECT:** **FINAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 5200, ATTENDANCE, AND 8330, STUDENT INFORMATION, RECORDS, AND PRIVACY RIGHTS**

**COMMITTEE:** **PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT**

**LINK TO STRATEGIC PLAN:** **HIGHLY EFFECTIVE TEACHERS, LEADERS, & STAFF**

Consistent with the Board's statutory responsibility to periodically review and update policies to conform to legislative changes and District practices, authorization is requested to amend Board Policies 5200, *Attendance*, and 8330, *Student Information, Records, and Privacy Rights*. Both policies are proposed for amendment as a result of a change to F.A.C. 6A-1.0955 (Aug. 22, 2023). Policy 8330 is proposed for amendment because F.A.C. 6A-1.0955 now requires school boards to adopt a policy for education records which includes provisions for parents to specify the use of any deviation from their child's legal name in school. Policy 8330 is also being amended as a result of HB 1 (2023), which provides that schools now have five (5) school days, as opposed to three (3) school days, to transfer student records after a student transfers to another school. Policy 5200 is additionally proposed for amendment to align with the District's practice of requiring a court order to effectuate a legal name change while still allowing parents to request that an alternate name accompany the legal name on DSIS.

The Notice of Intended Action was published in the Miami Daily Business Review on September 11, 2023, and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

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, amend Board Policies 5200, *Attendance*, and 8330, *Student Information, Records, and Privacy Rights*, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective October 11, 2023.

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 6, 2023, its intention to amend Board Policies 5200, *Attendance*, and 8330, *Student Information, Records, and Privacy Rights*, at its meeting of October 11, 2023.

PURPOSE AND EFFECT: Board Policies 5200, *Attendance*, and 8330, *Student Information, Records, and Privacy Rights*, are proposed for amendment to conform to an amendment to Florida Administrative Code ("F.A.C.") 6A-1.0955 (Aug. 22, 2023) and HB 1 (2023).

SUMMARY: Policy 5200, *Attendance*, is proposed for amendment to clarify that a court order is required for a legal name change to be effectuated and that an assumed or alternate name can be added to DSIS and certain school documents upon signed, written request. Policy 8330, *Student Information, Records, and Privacy Rights*, is proposed for amendment to allow parents to specify the use of any deviation from their child's legal name in school. Additionally, Policy 8330 is being revised as a result of HB 1 (2023) which provides that schools now have five (5) school days, as opposed to three (3) school days, to transfer student records after a student transfers to another school.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(5), (7).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1001.10, 1001.43(11); F.A.C. 6A-1.0955.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 6, 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 October 3, 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.



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| Book    | Policy Manual                          |
| Section | October 11, 2023- <u>Final</u> Reading |
| Title   | ATTENDANCE                             |
| Code    | 5200                                   |
| Status  | <u>Final</u> Reading                   |

## 5200 - **ATTENDANCE**

Parents and students are responsible for attendance which shall be required of all students during the days and hours that the school is in session.

### I. **Reporting Absences to School**

Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable. The Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The District reserves the right to verify such statements and to investigate the cause of each single absence.

Educators shall encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the Superintendent.

Accordingly:

- A. if the parent who has legal custody of a student requests that no one else be permitted to confer with the child at school the principal and/or teacher is required to honor this request;
- B. students are not to be taken out of their regular classes to prepare for programs other than school-sponsored activities;
- C. when a student has been absent three (3) consecutive days and the school has been unable to ascertain the reason for the absences, the

absences shall be investigated by the school principal or at any other time if deemed necessary;

- D. the parent or adult student shall report absences to the school as soon as practicable. Failure to report and explain the absence(s) shall result in unexcused absence(s). The principal shall have the final authority for determining acceptability of the reason for the absence(s).

Each school should establish procedures to ensure good attendance. A student, who is absent more than nine (9) days within a semester or more than four (4) days for schools on a block schedule, will not receive a passing grade for the semester unless:

- A. medical evidence is presented to the principal in writing justifying a specific number of days absence, absences are for approved school activities, or absences are approved by the Principal, and

- B. the student demonstrates mastery of the student performance standards in the course(s) as identified in curriculum guides and/or adopted textbooks.

If the absences are excused, all educational requirements for the course shall be met before a passing grade and/or credit is assigned. The student shall have a reasonable amount of time, up to three (3) school days, to complete make-up work for excused absences. Principals may grant extensions to the make-up time limit for extenuating circumstances. Regarding make-up of the work missed as a result of unexcused absences, each principal shall establish site-specific policies that encourage both regular attendance and high academic achievement, and shall review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

## II. **Attendance Defined**

- A. **School Attendance** - Students are to be counted in attendance only if they are actually present for at least two (2) hours of the day or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.
- B. **Class Attendance** - Students are to be counted in attendance if they are physically present in class for at least half of the class period, have been excused by the teacher on a class-related assignment, or have been requested by a member of the school support staff for an approved school activity.
- C. **Tardiness** - A student is considered tardy if they are not present at the moment the school bell rings for the class assigned. NOTE: If a student is not present when attendance is taken but is present later in the school day, that student must be considered in attendance, but tardy, and the absence should be changed. A student who is tardy should never remain on record as being absent.
- D. **Early Sign-outs** - No student shall be released within the final thirty (30) minutes of the school day unless authorized by the principal or principal's designee (i.e., emergency, sickness).

Each student who is scheduled at a school center for instructional purposes for a partial day, and at an area vocational-technical center, a vocational school or a community college for a partial day shall, if present at the school center, be reported as present one-half day.

Reasonable excuses for time missed at school:

- A. Personal illness of the student (medical evidence may be required by the Principal for absences exceeding five (5) consecutive days). The written statement must include all days the student has been absent from school. If a student is continually sick and repeatedly absent from school due to a specific medical condition, s/he must be under the supervision of a health care provider in order to receive excused absences from school.
- B. Court appearance of the student, subpoena by law enforcement agency, or mandatory court appearance.
- C. Absence due to a medical appointment requires a written statement from a health care provider indicating the date and time of the appointment and submitted to the Principal.
- D. An approved school activity (absences recorded but not reported).
- E. Other absences with prior approval of the Principal.
- F. Attendance at a center under Department of Children and Families supervision.
- G. Significant community events with prior permission of the Principal. When more than one (1) school is involved, the Region Superintendent will determine the status of the absence.
- H. Observance of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service should be observed.
- I. Death in the immediate family.
- J. School-sponsored event or educational enrichment activity that is not a school-sponsored event, as determined and approved by the Principal. The student must receive advance written permission from the Principal. Examples of special events include: public functions, conferences, and regional, State, and national competitions.
- K. Outdoor suspension.
- L. Appointments for a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

M. Other individual student absences beyond the control of the parent or student, as determined and approved by the Principal, requires documentation related to the condition.

Unexcused absences include absences due to:

- A. vacations, personal services, local non-school event, program, or sporting activity;
- B. older students providing day care services for siblings;
- C. illness of others;
- D. non-compliance with immunization requirements (unless lawfully exempted).

Absences not included in excused absences listed above shall be unexcused. Any student who has been absent from school will be marked unexcused absent until s/he submits the required documentation. Failure to provide required documentation within three (3) school days upon the return to school will result in an unexcused absence. Unexcused absences do not require that the teacher provide make-up work for the student.

A student accumulating ten (10) or more class unexcused absences in an annual course or five (5) or more class unexcused absences in a designated semester course may have quarterly, semester and final grade(s) withheld pending an administrative screening and completion of assigned interventions by the Attendance Review Committee.

Unexcused absences shall not be grounds for suspension from school but may result in detention or placement in existing alternative programs.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians. Chronic truancy or deliberate nonattendance in excess of fifteen (15) school days within a ninety (90) calendar day period shall be sufficient grounds for withdrawal of students sixteen (16) years of age or older, who are subject to compulsory school attendance under F.S. 1003.21.

The Superintendent shall develop administrative procedures that:

- A. ensure proper procedures are established so the student and his/her parents are provided the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable Board policies;
- B. ensure a school session which is in conformity with the requirements of the rules of the State Board;
- C. govern the keeping of attendance records according to State Board rules;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. ensure that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;
- F. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

The regulations should provide that a student's grade in any course is based on performance in the instructional setting and is not reduced for reasons of conduct. If students violate the attendance or other rules of the school, they should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the students can demonstrate they have learned.

### III. **Access to Student Records**

Pursuant to Policy 8330, *Student Records*, the District presumes that an 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.

If a parent's name is not listed on the birth certificate, the parent must provide a court order/legally binding instrument evidencing parentage or guardianship, to be listed as a parent in the District's student information system.

#### IV. **Attendance Records and Reports Required**

All officials, teachers, and other employees shall keep all records and shall prepare and submit promptly all reports that may be required by law, State rules, and District policies. These records shall include a register of enrollment and attendance and all persons named shall make reports. The enrollment register shall show the absence or attendance of each child enrolled for each school day of the year in a manner prescribed by the State Board. The register shall be open for inspection by the Superintendent. Violations of this section shall be a misdemeanor of the second degree, punishable as provided by law.

#### V. **Falsification of Attendance Records - Penalty**

The presentation of reasonable and satisfactory proof that any teacher, principal, any other school personnel or school officer, has falsified or caused to be falsified attendance records for which they are responsible shall be sufficient grounds for the revocation of his/her teaching certificate by the Department of Education, or for dismissal or removal from office.

The principal shall require:

- A. attendance/tardiness is taken and recorded by authorized persons at a designated time every official school day;
- B. a review of classes that have excessive absences in order to determine if the quality of instruction is a factor in the failure of students to attend class on a regular basis;
- C. an authorized person(s) to determine the status of each absence/tardiness;
- D. parents be notified each time their child is absent from school possible;
- E. the steps outlined in F.S. 1003.26 regarding regular school attendance are implemented;
- F. an Attendance Review Committee is established at the school;
- G. consideration of appeals made by students and/or parents regarding recommendations of the Attendance Review Committee.

The teacher shall:

- A. encourage school and class attendance with challenging and rigorous instruction and curriculum and by demonstrating an interest in the welfare of students;
- B. take attendance during homeroom and whenever students change instructors in elementary schools and take attendance each period of the school day in secondary schools, and report absences as required by the school;
- C. at the request of the student or parent, provide make-up assignments for excused absences/tardinesses.

The student shall:

- A. attend classes 180 days each school year;
- B. request the make-up assignments for all excused absences/tardinesses from teachers upon return to school or class within three (3) days;

It should be noted that all classwork, due to the nature of instruction, is not readily subject to make-up work.

- C. complete the make-up assignments for classes missed within the equivalent number of days absent;

Failure to make up all assignments will result in a lower assessment of the student's academic and/or effort grade.

- D. be reported as present for the school day in order to participate in athletic and extra-curricular activities.

The parent shall:

- A. be responsible for their child's school attendance as required by law and stress the importance of regular and punctual school attendance with their child;
- B. report and explain an absence or tardiness to the school;
- C. ensure that the child has requested and completes make-up assignments for all excused absences/tardinesses from the teachers upon return to school or class;

- D. appear before the Attendance Review Committee at the scheduled time to provide information relating to their child's absences and to support prescribed activities.

## VI. **Truancy**

If a child does not comply with efforts to enforce school attendance, the Superintendent may file a truancy petition. Any student who has a total of fifteen (15) days of unexcused absence from school within a ninety (90) calendar day period will be considered habitually absent. The Superintendent shall inform the student and parents of the record of excessive absences as well as the District's intent to notify the Department of Highway Safety and Motor Vehicles.

If a student has had at least five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month or ten (10) unexcused absences, or absences for which the reasons are unknown, within a ninety (90) calendar day period, the student's primary teacher shall report to the school principal or his/her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled with the child study team to identify potential remedies.

If an initial meeting does not resolve the problem, the child study team shall implement the following:

- A. frequent attempts at communication between the teacher and the family;
- B. evaluation for alternative education programs;
- C. attendance contracts.

**VII. Emergency Student Data Form**

The registrar/attendance clerk is responsible for all student assignment and student accounting procedures during the school year. At the end of the first day, each homeroom teacher will submit to the main office the corrected and alphabetized sets of Emergency Student Data Forms. After the first day of school, all new enrollees must register in the main office and have on file an Emergency Student Data Form completed with truthful and accurate information. The school shall abide by information provided by the registering parent who must sign the Emergency Student Data Form with regard to pick-up and withdrawal of the student from school. Any person verified as a parent in the District’s Student Information System is presumed to be authorized to pick up the student unless otherwise indicated. Anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty is guilty of a second-degree misdemeanor under F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a third-degree felony under F.S. 92.525. The registrar/attendance clerk will also be notified of any transfer or withdrawal so that the files may be purged as changes occur. In addition, changes of address must be reflected on student records.

Where parents are unmarried, divorced or separated, the parent who enrolled the student is responsible for completing the Emergency Student Data Form with truthful and accurate information that is consistent with the most recent court order governing their divorce, separation, or custody matters. Any parent contesting the information on the Emergency Student Data Form may seek assistance from the court governing their divorce, separation, or custody matters to compel the enrolling parent to revise the information on the form. School staff shall provide such persons with the website for the Family Court Self-Help Program at <http://www.jud11.flcourts.org/Family-Court-Self-Help-Program>.

**VIII. Legal Names of Students**

When a student is enrolled, the school shall abide by the information provided by the registering parent and will enroll the student using the legal name provided at the time of registration. Requests from a parent to change a child’s legal name requires a court order effectuating the change in legal name enroll a child in a public school under a name other than the legal name may be granted on a temporary basis provided court action is in process to make the assumed name legal. Parents may alternatively submit a signed Consent to Deviate From Legal Name form to have an alternate or assumed name accompany their child’s legal name on DSIS and on certain school documents. When a parent submits this request, their child’s Official school records ~~must~~ may list both the legal name and assumed name of the student. The school shall abide by information provided by the registering parent. Students entering a District school for the first time must have an

~~Emergency Student Data Form completed with both legal and assumed names shown.~~

## IX. **Principal's Report on Attendance**

The dates to be covered by the Principal's Report on Attendance are announced annually by the Federal and State Compliance Office. Reports are to be certified on-line by the principal by the fifth working day after the close of a reporting period. Attendance reports shall be accurate and current according to the State-approved recording and reporting system.

## X. **Full-Time Equivalent (FTE) Surveys**

During each of several school weeks during the fiscal year, a program membership survey of each school shall be made by aggregating the full-time equivalent student membership of each program by school. The District's full-time equivalent (FTE) membership shall be computed and currently maintained according to rules of the State Department of Education. Instructions will be distributed by the Federal and State Compliance Office prior to each survey. These surveys are the basis of State monies forwarded to the District according to prescribed cost factors and base funds under the Florida Education Finance Program. For FTE Surveys 2 and 3, FTE will be prorated and allocated to schools based on student enrollment/attendance.

Effective 07.01.2011

Revised 4.15.2015

Revised 4.25.2018

Revised 10.19.2022

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Legal References:

F.S. 61.13(2)

F.S. 984.151

F.S. 1002.20

F.S. 1003.02

F.S. 1003.21

F.S. 1003.23

F.S. 1003.24

F.S. 1003.26

F.S. 1003.27

F.A.C. 6A-1.044, Pupil Attendance Records

F.A.C. 6A-1.09512, Equivalent Minimum School Term for Compulsory Attendance Purposes

F.A.C. 6A-1.09513, Parents' Responsibility for School Attendance

F.A.C. 6A-1.09514, Excused Absences for Religious Instruction or Holiday

Adoption Date: 05.11.2011



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| Book    | Policy Manual                                    |
| Section | October 11, 2023 - <u>Final</u> Reading          |
| Title   | STUDENT INFORMATION, RECORDS, AND PRIVACY RIGHTS |
| Code    | 8330   |
| Status  | <u>Final</u> Reading                             |

### 8330 - **STUDENT INFORMATION, RECORDS, AND PRIVACY RIGHTS**

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 F.S. 1000.04(2), (4), and (5).
- 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 F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall 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 F.S. 1001.52(3) and F.A.C. 6A-1.0955 (Temporary Information)

1. Health information, family background data, standardized test scores, educational 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.
6. Correspondence from community agencies or private professionals.
7. Driver education certificate.
8. A list of schools attended.
9. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.
10. Written requests to waive access to confidential records.
11. Written requests to restrict the release of directory information.
12. Court orders of relevance.
13. Discipline records, 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 F.S. 1006.07(7).

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.

16. Student Limited English Proficiency (LEP) Plans.

17. Grade Change Forms.

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.

#### 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-five~~ (35) school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school or 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.

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.

| <b>Type Record</b>   | <b>Location</b>         | <b>Custodian</b>                  | <b>Address</b>              |
|--|-------------------------|-----------------------------------|-----------------------------|
| 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 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 \$0.15 per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches, an additional \$0.05 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 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 is required for review and approval of any online educational service that students or their parents are required to use. 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 F.A.C. 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 F.S. 1002.22. The Superintendent may execute agreements that meet the requirements of these laws and F.A.C. 6A-1.0955. Any agreements that deviate from these requirements must be approved by the Board or supported by a waiver executed by the Superintendent. 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 entering into any online services agreement or contract on behalf of the Board:

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 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 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~~ Modification and Correction of Student Records

Parents may specify the use of any deviation from their child's legal name in school by submitting a signed Consent to Deviate From Legal Name form to their child's principal.

~~XIII.~~ 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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Legal References:

F.S. 1001.41

F.S. 1001.52

F.S. 1002.22

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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