

**6Gx53-4.005 STUDENT RECORDS/PROCEDURES:**

I. For purpose of this policy the following are defined:

A. Personally Identifiable means that the data or information includes (any of the following):

1. The name of a student or adult student, the student or adult student's parent, or other family member.
2. The address of the student or adult student.
3. A personal identifier such as the student or adult student's social security number or student number.
4. A list of personal characteristics which would make it possible to identify the student or adult student with reasonable certainty, or
5. Other information that would make it possible to identify the student or adult student with reasonable certainty.

B. Record and Files means information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.

C. School Official is defined as administrative, instructional, (professional or paraprofessional), secretarial or clerical, school nurse or health worker, or any other personnel designated by the Superintendent.

D. Legitimate Education Interest is defined as information needed to improve the student or adult student's education. The determination of legitimate educational interest will be determined at each individual school level by the principal or his designee and at the District level by the Superintendent or his or her designee.

E. Education Records are defined as those records, files, documents and other materials as defined in Florida Statute 1002.22, which contain information directly related to a student or adult student, which are maintained by an educational institution or by a person acting for such institution, and which are accessible to other professional personnel who have legitimate educational interests. Information contained in education records shall be classified as follows:

1. Category A, Permanent Information: Verified information of clear educational importance, which shall be retained indefinitely in the manner prescribed by Florida Statute 1001.52.

2. Category B, Temporary Information: Verified information of educational importance which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Florida Statute 1001.52.

F. Sole Possession Records are defined as records that are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.

G. Treatment Records are records relating to a student or adult student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity; created, maintained, or used only in connection with the provision of treatment to the student or adult student, and not disclosed to anyone other than individuals providing the treatment; provided, that the records can be personally reviewed by a physician or other appropriate professional of the student or adult student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the education agency or institution. The Health Insurance Portability and Accountability Act (HIPAA) also governs the handling and confidentiality of treatment records or other personally identifiable health information.

H. Reports of Special Services or Exceptional Student Staffing Committee are defined as those records required for legal staffing of a child, student or adult student into an Exceptional Student Program.

I. Child shall mean any person who has not reached the age of majority.

J. Pupil shall mean any child who is enrolled in any instructional program or activity conducted under the authority and direction of a School Board.

K. Adult Student shall mean any person who has attained 18 years of age and is enrolled in any instructional program or activity conducted under the authority and direction of a School Board.

II. Permanent Cumulative Record: State Board of Education Regulations, 6A-1.955 Student Records, requires that a permanent cumulative record be maintained for each student or adult student enrolled in a school.

A. Purposes: Education records are maintained to facilitate the instruction, guidance, and educational progress of students or adult students.

B. Information: The following information shall be maintained for each student or adult student on the Florida Permanent Record Card, Category A, education records, grades K-12, which is hereby incorporated by this rule and made a part of the rules of the State Board of Education. The records shall be under the control of the principal and shall be kept current.

C. Contents: Contents of an official student cumulative record in the Polk County, Florida, Public Schools are as follows:

1. Category "A" Records:

- a. Student or adult student's full legal name.
- b. Authenticated birth date, place of birth, race and sex.
- c. Last known address of student or adult student.
- d. Names of the student's or adult student's parents or guardians.
- e. Name and location of last school attended.
- f. Number of days present and absent; date enrolled, date withdrawn.
- g. Courses taken and record of achievement, such as grades, units, or certification of competence.
- h. Date of graduation or date of program completion.

2. Category "B" Records: These records shall be under the control of the principal. These records shall include where applicable but not be limited to:

- a. Health information.
- b. Family background data.

- c. Standardized test scores.
  - d. Educational and vocational plans.
  - e. Honors and activities.
  - f. Work experience reports.
  - g. Teacher comments.
  - h. Reports of special services or exceptional student staffing committee including all information required by Florida Statute 1001.42
  - i. Correspondence from community agencies or private professionals.
  - j. Driver education certificate.
  - k. List of schools attended.
  - l. Written agreements corrections, deletions or expunction meetings or hearings.
  - m. Authorization to release and access to student or adult student records.
  - n. Suspension and expulsion forms.
  - o. Principal or designee's record of discipline.
  - p. Withdrawal and transfer forms.
  - q. Student assignment forms.
3. Exclusions to Education Records: Education records do not include the following information identified in Florida Statute 1002.22.
- a. Sole possession records.
  - b. Law enforcement records.
  - c. Employment records.

- d. Treatment records.
- e. Directory information (this includes census cards).
- f. Other information not personally identifiable.
- g. Letters of recommendation or evaluations that were confidential under Florida law prior to July 1, 1977.

D. Initiating the Permanent Cumulative Record: The school (K-12) where the student or adult student initially enrolls in Polk County is responsible for establishing the official district permanent cumulative record for that student or adult student.

E. Maintaining the Permanent Cumulative Record: According to the Florida State Board of Education Regulations, the principal is responsible for the maintenance of the permanent cumulative records.

1. The principal may delegate this responsibility to a member of his professional school staff, which may include the secretarial staff.
2. Under no circumstances shall students working in school offices and who are not employed by the School Board be allowed to have access to student records, to handle student records, to record information, or otherwise maintain student records.
3. School nurses shall be considered a part of the professional staff.
4. The deadline for transferring student records to the next school level will be July 1 of each year.
5. The transferring of these records (all) will be the responsibility of the sending school.

F. Transfer of Permanent Cumulative Records: Transfer of education records to other educational Institutions:

1. The transfer of records shall be made immediately upon written request of an adult student, a parent or guardian of a student or a receiving school. The principal or designee shall transfer a copy of all category A and category B information and shall retain a copy of category A information.

2. The transfer of adult student or student education records shall not be delayed for nonpayment of a fee or fine assessed by the school.

G. Release of Student Transcripts:

1. Students desiring transcripts of their high school work or age verifications prior to graduation within four years after the student would normally have graduated should apply at the principal's office.

a. Three transcripts and three age verifications are to be furnished free.

b. Additional transcripts and age verifications will be supplied according to the fee schedule provided in The Students Records Procedural Handbook.

c. Checks or money orders shall be payable to the School Board of Polk County, Florida.

2. Students desiring transcripts of their high school work or age verifications more than four years after graduation or more than four years after the student would normally have graduated should apply at the district office.

a. Transcripts and age verifications will be supplied according to the fee schedule provided in The Student Records Procedural Handbook.

b. Checks or money orders shall be payable to The School Board of Polk County, Florida.

H. Release of Personally Identifiable Records: Personally identifiable records or files may be released to the following individuals, agencies, or organizations without written consent of the parent/guardian or adult student:

1. Officials of schools, school systems, area vocational technical centers, community colleges, or institutions of higher learning in which the pupil or student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent, guardian, pupil, or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.
4. Other school officials in connection with a pupil's or 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 pupil or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of pupils or students and their parents by persons other than representatives of such organizations and if such 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. For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of Florida Statutes Chapter 120
8. Appropriate parties in connection with an emergency, if knowledge of the information in the pupil's or student's educational records is necessary to protect the health or safety of the pupil, student, or other individuals.
9. The Auditor General in connection with his official functions; however, notwithstanding the provisions of Florida Statute 119.14, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General is exempt from the requirements of chapter 119 and shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor

General and his staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's official use. This exemption is subject to the Open Government Sunset Review Act in accordance with Florida Statute 119.14.

10a. 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 pupil or student and his parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

10b. A person or entity pursuant to 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 pupil or student, or his parent if he is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U. S. C. 152 (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.

11. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that such information may be 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 pursuant to this paragraph to any person.

12. Parties to an interagency agreement among the Department of Health and Rehabilitative Services, 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, in-school and out-of-school suspensions, 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 which support students in successfully completing their education. Information provided in furtherance of such interagency agreements 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, guardian, or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institutions from publishing and releasing to the general public directory information relating to a pupil or student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization which is not listed in subparagraphs 1.-11., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. This exemption is subject to the Government in the Sunshine in accordance with Florida Statute 119.14. Any educational institution making directory information public shall give public notice of the categories of information which it has designated as directory information with respect to all pupils or students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent, guardian, pupil, or student to inform the institution in writing that any or all of the information designated should not be released.

I. Access to Permanent Cumulative Record: Parents/guardians and adult students will be notified annually of their rights regarding educational records in their primary or home language.

1. Procedures: Upon written or verbal request by the parent or adult student to have access to their permanent cumulative records, these procedures shall be followed:

a. Parent and/or adult student will be given an appointment date and time within fifteen days of the request. The "Parental Permission for Release of Information or Request for Review of Student Information" and the "Data Release Form" will be used for this purpose. The Superintendent or his or her designee shall follow this same procedure at the District level.

b. The principal of the school or his or her designee will be responsible for the collection of all material listed in these guidelines as "Official Contents of the Student Cumulative Record." These records shall be available for review by the parent and/or adult student at the appointment date and time. At the district level the Superintendent or his or her designee is responsible for following this procedure.

c. The principal of the school or his or her designee will be responsible for notifying other school personnel who should be involved of the review time and date. This deals specifically with the school psychologist as enumerated in Policy Number 6Gx53-4.-13. At the district level the Superintendent or his or her or her designee is responsible for following the procedure.

d. The school district shall presume that the adult student or either parent of the student has the right to inspect and review the education records of the student or adult student unless the agency or institution has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides to the contrary.

2. Challenge and Hearing Procedures: If a parent/guardian of a student or adult student believes that educational information is inaccurate, misleads, or is a violation of their privacy, they shall be provided an opportunity for correction, deletion, or expunction of such information.

a. Informal meeting at the school level with the proper administrative official.

b. If agreement is reached at the informal meeting at the school level, it shall be reduced to writing and signed by the parent/guardian, student or adult student and appropriate school official and be placed in the student's or adult student's proper school record. This written agreement shall only indicate that the record has been corrected, deleted, or expunged.

c. If the decision of the hearing is that the records are not inaccurate, misleading or otherwise in violation of privacy, the parent/guardian of students, or adult students have a right to place in the education records a statement commenting on the information in the education record and/or setting forth any reasons for disagreeing with the decision.

d. If no agreement is reached at the informal hearing, an appeal may be taken to the Superintendent or his or her designee.

e. If no agreement is reached with the Superintendent or his or her designee, the decision may then be appealed to the School Board.

3. Right of Waiver of Access: Provisions for adult students or the parent or guardian of students to exercise the right of waiver of access to confidential letters or statements. The waiver shall include but not be limited to access to confidential letters or statements. The waiver shall not be valid unless in writing and signed by the adult student or the parent or guardian of the student, as appropriate. The waiver may be revoked in writing with respect to actions occurring after the revocation. School districts may not require that adult students or the parent or guardian of students waive any of their rights under Florida Statute 1002.22 (This right of waiver is advertised annually in a public notice regarding release of directory information found in the Code of Student Conduct.)

J. Copy of Records:

1. Parent or Student: Where the consent of a parent or adult student is required for the release of education records, a copy of the records to be released shall be provided upon request to the student's parents or the adult student and the student who is not an adult student, if desired by the parents. In case the above requests a copy of the education records, the adopted schedule of fees will be followed.

2. Public: Any member of the public requesting copies of information produced by the school district shall be provided such information by the Superintendent or his or her designee in accordance with all federal, state, and local statutes and rules. The Superintendent shall annually recommend a fee schedule and exemptions for the production of such information requested by the public.

K. Location of Education Records: The Superintendent of Schools is responsible for maintenance of all student and adult records. Titles and addresses of individual school administrators may be located in the Florida Educational Directory, Polk County Principals Directory, or by calling the District School Board Office, Bartow.

III. Directory Information:

A. Directory Information is defined as the following student (or adult student) information: name, address, telephone number, if it is a

listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended.

B. Directory Information may be released to any individual, agency, or organization without prior consent, unless a parent or eligible student has notified PCSB in writing that they do not wish the information released. In addition, two federal laws require PCSB to provide military recruiters, upon request, with three directory information categories- names, addresses, and telephone listings – unless parents have advised PCSB that they do not want their student’s information disclosed without their prior written consent. The school must verify that a written request to withhold any or all of the directory information is on file at the school site. The Directory Information Opt-Out Form is to be used for this purpose. The Directory Information Opt-Out Form and the Parent Notification Letter are to be given to parents on a yearly basis in the Code of Student Conduct. Notification of parental objection to release of “directory information” must become a part of the student’s cumulative record and should be flagged on computer records as appropriate.

C. [Directory Information Opt-Out Form](#)

D. [Parent Notification Letter](#)

IV. Cross Reference: For further information refer to policy number 6Gx53-4.013, PSYCHOLOGICAL AND EDUCATIONAL EVALUATIONS and the STUDENT SERVICES MANUAL.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, 1001.43

Laws Implemented: Florida Statutes 119.01, 1001.52, 1002.22, 1002.38, 1003.02, 1003.25; and Florida Administrative Code 6A-1.0955

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