

Senate Bill No. 2250

An act relating to public records; amending s. 228.093, F.S.; providing access to student records by school readiness coalitions and the Florida Partnership for School Readiness; amending s. 402.3015, F.S.; providing an exemption from public-records requirements for records of children in subsidized child-care programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; creating s. 411.011, F.S.; providing an exemption from public-records requirements for records of children in school readiness programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (3) of section 228.093, Florida Statutes, is amended to read:

228.093 Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.—

(3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR STUDENT.—The parent or guardian of any pupil or student who attends or has attended any public school, area vocational-technical training center, community college, or institution of higher education in the State University System shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a pupil or student has attained 18 years of age, or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents of the pupil or student shall thereafter be required of and accorded to the pupil or student only, unless the pupil or student is a dependent pupil or student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall formulate, adopt, and promulgate rules whereby parents, guardians, pupils, or students may exercise these rights:

(d) Right of privacy.—Every pupil or student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a pupil or student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). No state or local educational agency, board, public school, area technical center, community college, or institution of higher education in the State University System shall permit the release of such records, reports, or information without the written consent of the pupil's or student's parent or guardian, or of the pupil or student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a pupil or student may be released to the following persons or organizations without the consent of the pupil or the pupil's parent:

1. Officials of schools, school systems, area 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. School readiness coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.

~~8.7.~~ For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

~~9.8.~~ 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.

~~10.9.~~ The Auditor General in connection with his or her official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General is confidential and exempt from the provisions of s. 119.07(1) 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 or her staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's official use.

~~11.a.10.a.~~ A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued sub-

poena, upon the condition that the pupil or student and the pupil's or student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. 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 or her parent if the pupil or student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12.11. 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.

13.12. 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, 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 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, guardian, or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution 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.-13. ~~4.-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. 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.

Section 2. Subsection (10) is added to section 402.3015, Florida Statutes, to read:

402.3015 Subsidized child care program; purpose; fees; contracts.—

(10) The individual records of children enrolled in subsidized child-care programs are confidential and are exempt from the provisions of s. 119.07 and s. 24(a), Art. I of the State Constitution. For the purposes of this subsection, records include assessment data, health data, records of teacher observations, and identifying data, including the child's social security number. A parent, guardian, or individual acting as a parent in the absence of a parent or guardian, has the right to inspect and review the individual subsidized child-care record of his or her child and to obtain a copy of the record. The school readiness coalition and the Florida Partnership for School Readiness shall have access to individual children's records necessary to carry out their assigned duties under ss. 411.01 and 216.136. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Section 411.011, Florida Statutes, is created to read:

411.011 Records of children in school readiness programs.—The individual records of children enrolled in school readiness programs provided under s. 411.01, when held in the possession of the school readiness coalition or the Florida Partnership for School Readiness, are confidential and exempt from the provisions of s. 119.07 and s. 24(a), Art. I of the State Constitution. For the purposes of this section, records include assessment data, health data, records of teacher observations, and identifying data, including the child's social security number. A parent, guardian, or individual acting as a parent in the absence of a parent or guardian has the right to inspect and review the individual school readiness program record of his or her child and to obtain a copy of the record. School readiness records may be released to the United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits; to individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction; to accrediting organizations in order to carry out their accrediting functions; to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals; to the Auditor General in connection with his or her official functions; to a court of competent jurisdiction in compliance with an order of that court pursuant to a lawfully issued subpoena; and to parties to an interagency agreement among school readiness coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Florida Partnership for School Readiness for the purpose of implementing the school readiness program. Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that will not permit the personal identification of students and their parents by persons other than those authorized to receive the records. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and

shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. The Legislature finds that the exemptions from the public records law provided in sections 2 and 3 of this act are a public necessity in order to ensure the privacy of individual children in school readiness programs and subsidized child-care programs.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 15, 2000.

Filed in Office Secretary of State June 15, 2000.