

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 848

SPONSOR: Education and Senator Laurent

SUBJECT: School Records

DATE: February 7, 2000

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Esner</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill includes clarifying language in the statutory definition of "Directory information," and adds the terms "Disciplinary action or proceeding," "Disclosure," "Eligible student," "Parent," and "Personally identifiable information" to the law with definitions. It also provides clarification of a person's rights to a hearing. The bill specifically authorizes the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles, the Department of Children and Families, the parent of a dependent student, the parent of a student who is not eligible or to the eligible student, and the alleged victim of any crime of violence without parental or eligible student consent. It also requires written authority from the parent of each student or eligible student prior to each release of directory information to the public by any school district or k-12 educational institution. The bill does allow for the publishing and releasing to the general public the name or size of any student participating in school activities or extracurricular activities or receiving an honor if the address or telephone number is not included, without the written consent of the parent or eligible student. Should the parent or eligible student direct the school district or k-12 educational institution not to have any information released it shall not be released under any circumstances. It provides specific requirements for the annual notice to parents and eligible student of their rights regarding the student's education record.

This bill will make state law compliant with the most recent federal changes more specifically, The Family Educational Rights and Privacy Act (FERPA).

This bill amends the following sections of the Florida Statutes: 228.093, 232.23, and 411.223. It reenacts the following sections: 229.57(6), 240.237, 240.323, 240.40401, 242.3315, and 381.0056(5)(p) of the Florida Statutes to incorporate the amendment of section 228.093 F.S..

II. Present Situation:

The Department of Highway Safety and Motor Vehicles currently receives data from school districts for purposes of the compulsory attendance driver's license eligibility requirements of

section 322.091 F.S. Section 232.12, F.S., requires the Superintendent to provide student truancy data, 15 days of unexcused absences within a 90 day calendar period of those students 14 to 18 years of age, to the Department of Highway Safety and Motor Vehicles. Currently, as of 12/30/99, the Department of Highway Safety and Motor Vehicles reports ten school districts and one lab school are testing the exchange of data files and fifty-two districts and three lab schools are in production, identifying and flagging drivers license records. The Department of Highway Safety and Motor Vehicles receives the student data and flags driving records of affected licensed student drivers and creates a “dummy” record, a record for unlicensed minor with no class, for students not in their data base. Currently there are four school districts not reporting to the Department Highway Safety and Motor Vehicles.

STUDENT DRIVER LICENSE RECORDS IMPACTED AS OF 12/30/99

Suspension Orders	2211	Waivers Requested	91
Notice of Intent	3943	Waivers Approved	60
Records Created for Unlicensed Minors	12042	Waivers Denied	12
Second Suspension	11		

The Learnfare Program, section 414.125 F.S., requires that all cash assistance recipients who have school-age children ensure those children attend school on a regular basis and that the parent or caretaker-relative participates once each grading period in a school conference. Failure to comply with these requirements may result in the student or parent being removed from the cash assistance program. Implementation of the Learnfare program by the school districts is sporadic. The Department of Children and Families sends a disk with the names of children that are on their data base to the school districts each quarter. The school districts must match the data with student records to determined which students are impacted due to truancy that will affect performance. The schools/district may or may not respond to the Department of Children and Families. Information about the numbers of students impacted by this requirement is not available.

Student directory information, that is defined in section 228.093 (2)(c) F.S., may be made public, if the educational institution has given 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 for a parent, guardian, pupil, or student to respond in writing that any or all information designated should not be released. The notifications to parents/guardians vary from district to district, a notice may be contained in a newsletter or code of student conduct. Currently, the student, pupil, parent or guardian may opt not to have personally identifiable information included in any directory information with one written notice to the school district per year. Student directory information is included in the student honor roll, year books, athletic program brochures, student newspapers, and other similar publications.

III. Effect of Proposed Changes:

The deletions and additions to s. 229.093 F.S., conforms it to the most recent federal changes in the Family Educational Rights and Privacy Act. This should alleviate the concerns of several districts, that have not participated in the programs, regarding the release of student information to comply with Florida's compulsory attendance driver's license eligibility requirements of s. 322.091 F.S., and the Learnfare program compulsory attendance requirements of s. 414.125 F.S. The additional terms with definitions will provide clarity for districts/schools.

The effect of adding the Department of Highway Safety and Motor Vehicles and the Department of Children and Families to the list of persons or organizations to receive personally identifiable records without the consent of the pupil or the pupil's parent/guardian will not change the present situation. For additional clarity, the bill specifically adds the parent of a dependent student, as defined in Title 26, United States Code, Section 152, the Internal Revenue Code of 1986. Also added to the list for receiving personally identifiable records or reports without the consent of the parent or eligible student is the parent of a student that is; not an eligible student, eligible student (student who has attained 18 years of age) and the alleged victim of any crime of violence.

The portion of the bill requiring parent/guardian permission for each public publication containing student directory data, will require the school district or k-12 institution to provide written notification to the parent or eligible student of the specific directory information to be released and identify the receivers of the information. The bill does permit a school district or k-12 institution to publish and release to the general public the name or size of any student participating in school activities or extracurricular activities or receiving an honor, provided that the student's address or telephone number is not disclosed without the written consent of the parent or eligible student. Should a parent or eligible student so direct, the school district or k-12 institution shall not release any information on the student under any circumstances.

Requires the school districts or k-12 institutions to inform the parent or eligible student of their rights in the annual notification. In the notification, the parent or eligible student must be advised of the process for exercising the right to inspect and review education records and the procedures for requesting amendment of records outlined in this bill.

The bill provides a hearing procedure to be followed by the educational institution if there is a challenge regarding the content in the student education record by a parent or eligible student. The challenge could be on the grounds of inaccurate information, misleading information, or in violation of the privacy rights of the student.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

Additional costs may be incurred by the districts/schools to notify and obtain the consent of the parents/eligible students for each time student directory information is to be published.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.