



Student Education Records Manual

The School Board of Pinellas County, Florida
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Pinellas County Public Schools

GUIDELINES RELATING TO STUDENT EDUCATIONAL RECORDS

IMPLEMENTATION OF 20 USC 1232g and 34 C.F.R. Part 99 FLORIDA
STATUTES SECTION 1002.20, et seq. and Chapter 1014 STATE BOARD OF
EDUCATION RULE 6A - 1.0955 PINELLAS COUNTY SCHOOL BOARD
POLICIES

1. THE LAW CONCERNING EDUCATION RECORDS

On August 21, 1974, President Ford signed into law a series of legislative amendments known collectively as the Education Amendments of 1974. Among them is an amendment entitled Family Educational Rights and Privacy Act of 1974 (FERPA, 20 USC 1232g). This amendment grants to parents and students over the age of 18 years the right to inspect, to challenge, and to control the release of personally identifiable information. In December 1974, the Congress adopted and the President signed a new Family Educational Rights and Privacy Act and Educational Amendments of 1974 that were designed to clarify ambiguities in the original bill. Changes have been made over the years since then.

Florida laws describing the handling of education records can be found in the following original sources:

Florida School Laws, Sections 1002.20-1002.225, and Chapter 1014
Florida State Board of Education Administrative Rules 6A-1.0955

This manual is promulgated pursuant to School Board Policy 8330. It takes into account the original law, amendments, state laws and regulations, and district school board policy in order to provide a compilation of policies relating to student educational records. All existing memoranda, directives, and policies on education records are superseded by this document in accordance with School Board policy.

2. DEFINITIONS

A. Attendance

Attendance includes but is not limited to attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom. Attendance also includes the period during which a person is working under a work-study program.

B. Category A Information

This is permanent information contained in the student education records. It is verified information of clear educational importance, which is retained indefinitely in the manner prescribed by section 1001.52(2), F.S.

C. Category B Information

This is temporary information in the student education records. It is verified information of clear educational importance that is subject to periodic review and elimination after meeting mandated retention requirements.

D. Charter School

A charter school is an independent public school that operates under the sponsorship of a district school board or state university. The school operates under a “charter” or performance agreement defining curriculum, and goals and objectives for improving student learning and measuring that improvement. (See 1002.33, F.S.)

E. Child

A child is any person who has not reached the age of majority (18 years of age).

F. Consent

Consent is approval, permission, or agreement. Consent for the disclosure of student information must be provided in writing. In giving consent, a parent, guardian, or eligible student must agree, in writing, to the activity for which consent is sought. The written consent should state the specific activity (e.g., access to, release of, transfer of education records), identify the records, and name the person or agency approved to receive the student information.

G. Cumulative Student Education Record

The cumulative student education record consists of Category A, B, and C information. This information may be retained electronically or in hard copy. Individual schools may add information of educational value to be included in the cumulative student education record.

H. Dates of Attendance

Dates of attendance means the period of time during which a student attends an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. This term does not include specific daily records of a student’s attendance at an educational agency or institution.

I. Directory Information

This is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student’s legal name; photograph; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; the most recent educational agency or institution attended; the subsequent educational institution attended; and academic work intended for publication or display. Social Security numbers are not included in directory information. Unless the parent, guardian, or adult student has provided the school with a

written objection, directory information may be released without prior notification or consent.

J. Disciplinary Action or Proceeding

A disciplinary action or proceeding means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

K. Disclosure

Disclosure means to permit the access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, and electronic means, to any party except the party identified as the party that provided or created the record.

L. Educational Agency or Institution

An educational agency or institution is an entity that provides educational services or instruction, or both, to students, or is authorized to direct and control public elementary or secondary, or postsecondary educational institutions.

M. Eligible Student

Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.

N. Guardian

A guardian is a person lawfully invested with the power and responsibility of taking care of, and managing the property and rights of, a student. For purposes of enrollment, acceptable proof of guardianship consists of certified, dated court documents awarding guardianship.

O. Institution of Postsecondary Education

An institution of postsecondary education means an institution that provides education to students beyond the secondary school level.

P. Legal Name

The legal name of a person is the name established for official purposes, such as on a birth certificate, passport, or other official documentation. A legal name usually consists of a given name, often the “first” name, and a family name, often the “last” name. The legal name may also include a middle name or initial. Once a legal name is established in a student education record, it can be changed only upon presentation of a certified copy of a court order or other legal document effecting the change. (See School Board Policy 8330.01, LEGAL NAME ON STUDENT RECORDS.)

Q. Legitimate Educational Interest

A legitimate educational interest is an assigned responsibility or job description for working with students or education records. For examples, see the job descriptions for teachers, counselors, data prep clerks, school office clerks, or agreements with outside legal counsel, etc. A school official has a legitimate educational interest in an education record, and personally identifiable information contained therein, if the school official needs such record or information in order to do his or her job. In order to access a student's education records, the school official must have an educational interest concerning that specific student.

R. Online Educational Service

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.

S. Parent

Parent means a parent of a student and includes a natural parent, guardian, or individual acting as the parent of a student in the absence of a parent or guardian. When appropriate, proper identification and/or support documents should be requested of the person who is presenting himself or herself as a parent or guardian.

T. Personally Identifiable Information or PII

Personally identifiable information ("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 C.F.R Section 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.

U. Records

Records means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

V. School Official

A school official is a person identified in Appendix A, who is either employed by or under contract with the district school board. Student volunteers are not included in this definition.

See the notice defining school officials in the Appendix. It is an audit requirement that this notice be clearly posted in or around your records room.

W. Student Education Records

Student education records mean those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or

institution.

This term does not include:

1. Records that are kept in the sole possession of the maker of the record, and are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. An instructor's personal notes on student performance are an example of this type of record.
2. Records of the law enforcement unit of an educational agency or institution.
3. Records relating to an individual who is employed by an educational agency or institution that are made or maintained in the usual course of business, relate exclusively to the individual's capacity as an employee, and are not available for use for any other purpose.
4. Records on an eligible student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; made, maintained, or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment. Treatment does not include remedial education activities or activities that are part of the program of instruction at the agency or institution.
5. Records that only contain information about an individual after he or she is no longer a student at that agency or institution.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

X. Student

A student means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

Y. Student Recruiting Information

Student recruiting information includes the name, address, and telephone number and school-issued email address of secondary school students. Under the provisions of the Patriot Act (20 USC 7908), this information is supplied on request to military recruiters and institutions of higher education. A parent or student may ask that student recruiting information not be released without prior written parental consent.

3. PURPOSE AND CONTENT OF STUDENT EDUCATION RECORDS

One of the purposes of education records is to provide professional personnel with a longitudinal student information system, in order to facilitate the instruction, guidance, and educational progress of students. They include official records, files, and data directly related to students.

The cumulative record is under the control of the principal. The principal or a designee maintains a permanent cumulative record for each student enrolled in a public school. This record must be kept

current. It is maintained in the form and contains the data prescribed by State Board of Education regulations.

Information contained in student educational records is classified as follows, as either Category A or Category B information:

A. Category A Information

This is permanent information. It is verified information of clear educational importance, which is retained indefinitely in the manner prescribed by Section 1001.52(2), F.S.. Category A information consists of the following data:

1. student's full legal name
2. authenticated birthdate
3. place of birth
4. race
5. ethnicity
6. sex
7. last known address
8. name of parent or guardian
9. name and location of last school attended
10. number of days present and absent
11. date enrolled
12. date of withdrawal, graduation, or program completion
13. courses taken and record of achievement
(i.e., grades, units, or certification of grade level competence)
14. names and dates of persons reviewing education records, other than parents, guardians, eligible students, or authorized school district personnel

Hardcopy Category A information is found on the cumulative folder, the original registration form (when the student first entered the district), the immunization record, and the Records Review Log (PCS Form 3-2130). Category A information is also maintained in the district electronic education records system.

Hardcopy Category A information is retained in the schools until scheduled for pickup by Central Records. Central Records stores Category A information for permanent retention.

B. Category B Information

This is temporary information. It is verified information of clear educational importance, which is subject to periodic review and elimination after meeting mandated retention requirements. Category B information may include, but is not limited to:

1. health information, including immunization and health care plans
2. family background data
3. standardized test scores
4. educational and career plans
5. honors and activities (including athletics)
6. work experience
7. teacher comments
8. reports of student services, ESE records, therapeutic treatment plans and therapy progress notes, and other student support records

9. discipline records, including SESIR reports
10. other education records

Category B information is retained in the schools until scheduled for pickup by Central Records. Central Records destroys Category B information after it meets its mandated retention period in accordance with state requirements.

C. Records of the Law Enforcement Unit of an Educational Agency or Institution

Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the provisions of FERPA, including the disclosure provision, while in the possession of the law enforcement unit.

However, FERPA neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement records. Law enforcement records are the records created by a law enforcement unit for a law enforcement purpose and maintained by the law enforcement unit. Pinellas County Schools Police is a law enforcement unit. See 34 C.F.R. 99.3 and 99.8.

4. MAINTENANCE OF STUDENT EDUCATION RECORDS

There shall be a permanent cumulative record for each student enrolled in a school. The cumulative record will consist of materials classified as Category A and Category B information. Part of this information is kept in an electronic format. The hard copy portion of the information may be kept in one folder for each student. However, a school principal may decide to keep selected Category B information in a separate location. For example, psychological reports and staffing team files are Category B information frequently maintained separately from the cumulative folder. In such instances, the principal must devise a system for indicating that additional records exist and specifying where in the school they are located. The cumulative record shall be kept current. It is the responsibility of the principal to see that materials having an educational value are retained and transferred with the cumulative folder when a student changes schools within the district.

Only employees who have been trained to work with confidential materials are permitted to work with education records. Student volunteers shall not be delegated this responsibility.

Caution should be used when reviewing records for disposal. Those records having historical or chronological significance should be retained. Professional judgment regarding projected use must be exercised. A school may not dispose of any education records for which there is an outstanding request to inspect and review.

Whenever records containing student information are discarded, they must be discarded in a way that protects them from unauthorized access. Hardcopy information should be shredded or transferred to Central Records for disposal; electronic data should be erased.

5. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A parent or eligible student must be given the opportunity to inspect and review the student's education records. When students or former students gain the right to view their records under the definition of an eligible student, their parents no longer retain the right of access. However, the parents of an eligible student retain their rights if the eligible student is still considered a dependent

for income tax purposes.

The educational agency or institution shall comply with a request for access to records within a reasonable period of time, but not more than 30 calendar days after it has received the request. The educational agency or institution shall respond to reasonable requests for explanations and interpretations of the records.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution shall:

- A. Provide the parent or eligible student with a copy of the records requested; or
- B. Make other arrangements for the parent or eligible to inspect and review the requested records.

A reasonable fee not to exceed 15 cents per page is allowed for copies of not more than 14 inches by 8.5 inches. An additional 5 cents per page may be charged for two-sided copies. A maximum of \$1.00 per copy may be charged for a certified reproduction of a record. However, no charge can be assessed to search for or retrieve education records.

The educational agency shall not destroy any education records if there is an outstanding request to inspect and review records.

6. LIMITATIONS ON RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or, at the discretion of the school district, be informed of only the specific information about that student. The information on other students must be removed or in some way obscured from access before inspection or review. Do not permanently alter an education record when obscuring information on other students.

A postsecondary institution does not have to permit a student to inspect and review education records that are:

- A. Financial records, including any information those records contain, of his or her parents;
- B. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for purposes for which they were specifically intended; and
- C. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if the student has waived his or her right to review those letters and statements and those letters and statements are related to the student's admission to an educational institution, application for employment, or receipt of an honor or honorary recognition. A waiver is valid only if the educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution and the waiver is made in writing and signed by the student, regardless of age.

If a student has waived his or her rights to inspect and review letters and statements of recommendation, the educational institution shall give the student, on request, the names of the individuals who provided the letters and statements and use the letters and statements of recommendation only for the purpose for which they were intended. A waiver may be revoked with respect to any actions occurring after the revocation; a revocation must be in writing.

7. RELEASE OF INFORMATION IN EDUCATION RECORDS

A parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from a student's education records. The written consent must specify the records that may be disclosed, state the purpose of the disclosure and identify the party or class of parties to whom the disclosure may be made.

When a disclosure is made, if the parent or eligible student requests, the educational agency or institution shall provide him or her with a copy of the records disclosed. If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

An educational agency or institution may disclose personally identifiable information from an education record of a student without the written consent of the parent or eligible student if the disclosure meets one or more of the following conditions:

- A. The disclosure is to other school officials, as defined in Appendix A, who have a legitimate educational interest as determined by the educational agency or institution. (This does not include student volunteers.)
- B. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
- C. The disclosure is to another educational agency or institution where the student is in attendance, if the student is enrolled in or receiving services from the other agency or institution.
- D. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U. S. Department of Education, or state and local educational authorities, in connection with an audit or evaluation of federal or state supported education programs or for the compliance with federal legal requirements which relate to those programs.

Unless the parent or eligible student has given specific permission for the disclosure, information that is disclosed must:

- 1. Be protected in a manner that does not permit personal identification of individuals by anyone other than the authorized officials unless specifically authorized by federal law; and
 - 2. Be destroyed when no longer needed for the purpose for which it was disclosed.
- E. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes

as to:

1. Determine eligibility for the aid;
 2. Determine the amount of the aid;
 3. Determine the conditions for the aid; or
 4. Enforce the terms and conditions of the aid.
- F. The disclosure is to state and local officials or authorities to whom such information is specifically:
1. Allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
 2. Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974 if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and the officials and authorities to whom such information is disclosed certify in writing that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student. The disclosure must concern the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent or student.
- G. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. The agency or institution may disclose information only if the study is conducted in such a manner that does not permit personal identification of parents and by individuals other than representatives of the organization and the information is be destroyed when no longer needed for the purpose for which the study was conducted.
- If the organization fails to destroy the information when no longer needed, the educational agency or institution may not allow that organization access to personally identifiable information from education records for at least five years.
- H. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
- I. The disclosure is to the eligible student or the parents of the dependent student, as defined in section 152 of the Internal Revenue Code of 1986.

When students or former students gain the right to view their records under the definition of an eligible student, their parents no longer retain the right of access. However, the parents of an eligible student retain their rights if the eligible student is still considered a dependent for income tax purposes.

In case of separation or divorce, either parent may have access to a child's education records. If a court order restricts this access to records, the school district will recognize such restriction upon receipt of a certified copy of that order and any modifications.

- J. The disclosure is to appropriate parties, in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals

The factors that should be taken into account in determining whether records may be released in connection with an emergency include the following:

1. The seriousness of the threat to the health or safety of the student or other person;
2. The need for such records to meet the emergency;
3. Whether the person to whom such records are released is in a position to deal with the emergency; or
4. The extent to which time is of the essence in dealing with the emergency.

- K. The disclosure is to comply with a judicial order or lawfully issued subpoena, only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

1. A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
2. Any other subpoena issued for a law enforcement purpose, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
3. An *ex parte* court order obtained by the United States Attorney General (or designee not lower than Assistant Attorney General) concerning investigation or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.

If a parent or student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.

- L. The disclosure is information the educational agency or institution has

designated as “directory information.”

- M. The disclosure is to the victim of an alleged perpetrator of a crime of violence, or a nonforcible sex offense. [Call the Supervisor, Records Management, or the Office of General Counsel before making a disclosure pursuant to the exception.]

The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed. The final results of the disciplinary proceeding shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student and may include the name of any other student, such as a victim or witness, only with the written consent of that other student.

- N. The disclosure is in connection with a disciplinary proceeding at the institution of postsecondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that the student is an alleged perpetrator of a crime of violence or nonforcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution’s rules or policies.

The institution may not disclose any other student, including a victim or witness, without the prior written consent of the other student.

- O. The disclosure is to a parent of a student at an institution of postsecondary education regarding the student’s violation of any federal, state, or local law, or any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if:

1. The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and
2. The student is under the age of 21 at the time of the disclosure to the parent.

- P. The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under this Act.

- Q. The disclosure is to the parent of a student who is not an eligible student, or to the student.

Whenever information is released to an organization or individual, other than the parent, guardian, or student, the law requires schools to provide a written notification to the organization or individual, stating that the data cannot be released in a personally identifiable form to any other party, without first obtaining the consent of the parent, guardian or student.

8. RECORDKEEPING REQUIREMENTS CONCERNING REQUESTS AND DISCLOSURES

An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The

agency shall maintain the record with the education records of the student as long as the education records are maintained.

For each request or disclosure the records must include the parties who have requested or received personally identifiable information from the education records and the legitimate interest the parties had in requesting or obtaining the information.

If an educational agency or institution discloses personally identifiable information from an education record with the understanding that the party receiving the information may make further disclosure of the information on behalf of the educational agency or institution, the record of the disclosure required under this section must include the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

The District must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception set forth above:

- (i) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
- (ii) The parties to whom the agency or institution disclosed the information.

The record of requests for access and disclosures from education records may be inspected by:

- A. The parent or eligible student;
- B. The school official or his or her assistants who are responsible for the custody of the records; and
- C. Those parties authorized for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

The requirement to maintain a record of a request does not apply if the request was from, or the disclosure was to:

- A. The parent or eligible student;
- B. A school official within the agency or institution having legitimate educational interests;
- C. A party with the written consent from the parent or eligible student;
- D. A party seeking directory information; or a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Records of disclosures of personally identifiable student information are kept in the Records Review Log (PCS Form 3-2130). A copy of the Records Review Log is printed inside the cumulative folder. Additional copies of the form are available on the PCS Forms website.

9. RESPONDING TO A SUBPOENA OR JUDICIAL ORDER

The District is responsible for responding to a subpoena or court order for education records. Only the records specifically mentioned in the order or subpoena will be released. In cases where information is developed or summarized from any of the contents of a student's educational record, a copy of that information and a statement of the purpose for which it was intended must be included in the cumulative folder.

If you are served with a judicial order or subpoena for education records, or receive a judicial order or subpoena by mail, email, or fax, review the procedures located on the Records Management pages on the district Intranet. Contact the Supervisor of Records Management or the Legal Department if you have additional questions.

10. RELEASE OF INFORMATION WHEN INITIATING REFERRALS TO COMMUNITY SERVICES

Before requesting referral action to any community service, written permission must be obtained from the eligible student, parent, or guardian for release of records and/or information contained in the school records. When there is no written consent specifying that records are to be released, the referral letter should inform the agency of the absence of parental consent.

11. PUBLIC NOTIFICATION OF THE RIGHT TO REVIEW AND INSPECT EDUCATION RECORDS

Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA. The notice must inform parents or eligible students that they have the right to:

- A. Inspect and review the student's education records;
- B. Seek amendment of the student's education records that that the parent or eligible student believes to be 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 education records, except to the extent that disclosure is authorized without consent; and
- D. File with the U.S. Department of Education a complaint alleging failures by the educational agency or institution to comply with the requirements of FERPA.

The annual notification must include all of the following:

- A. The procedure for exercising the right to inspect and review education records;
- B. The procedure for requesting amendment of records; and
- C. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The annual notification includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

Publication of this annual notification is required for all district schools under School Board Policy 8330. See the *Code of Student Conduct* for a copy of the annual notification.

12. PUBLIC NOTIFICATION REGARDING THE RELEASE OF DIRECTORY INFORMATION

An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of:

- A. The types of personally identifiable information that the agency or institution has designated as directory information;
- B. A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information as directory information; and
- C. The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

An educational agency or institution may disclose directory information on former students without providing annual notice or an additional opt-out opportunity. However, an educational agency or institution may not disclose the directory information of a former student if the parent or eligible student opted out of disclosure while in attendance. If the parent or eligible student's response to the annual notice cannot be determined, directory information for the former student cannot be released.

Directory information includes:

- A. student's name
- B. photograph (e.g., yearbook)
- C. major field of study
- D. grade level
- E. enrollment status, including current assignment
- F. dates of attendance
- G. participation in officially recognized activities and sports
- H. weight and height of athletic team members
- I. degrees, honors and awards received
- J. the most recent educational agency or institution attended

- K. subsequent educational agency or institution attended
- L. academic work used for publication or display

The home address, home phone number, birth date, social security number, and parent's names are not included in the definition of directory information. This and other information can only be released in accordance with the provisions of Section 7. RELEASE OF INFORMATION IN EDUCATION RECORDS.

13. PUBLIC NOTIFICATION REGARDING THE RELEASE OF STUDENT RECRUITING INFORMATION

Pursuant to federal law, school districts must provide military recruiters and institutions of higher education access to secondary school students' names, addresses, telephone numbers, and school-issued email addresses. This information can be released without the opt-in consent of parents, guardians, or students.

However, parents, guardians, and students, at any time, have the option of requesting that student recruiting information not be released without prior written parental consent. The district must notify parents of this option, and comply with any request. This opt-out notification is published annually in the *Code of Student Conduct*.

14. FEES FOR REPRODUCTION OF RECORDS

The following fees are authorized for copies of records:

- A. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8½ inches;
- B. No more than an additional 5 cents for each two-sided copy;
- C. Up to \$1 per copy for a certified copy of a record; and
- D. For all other copies, the actual cost of duplication of the record.

Parents and students may not be denied access to education records due to their inability to pay copying fees.

15. FEDERAL OFFICE AND REVIEW BOARD

A parent or eligible student may file a written complaint with the U.S. Department of Education's Student Privacy Policy Office regarding an alleged violation under FERPA. The complaint must contain specific allegations of fact giving reasonable cause to believe that a violation has occurred.

The office's address is:

U.S. Department of Education
 Student Privacy Policy Office
 400 Maryland Avenue, SW
 Washington, DC 20202-5920

Phone: 1-855-249-3072
 Email: FERPA.complaints@ed.gov

Website: studentprivacy.ed.gov

16. AGE CERTIFICATES

Under Florida State Child Labor Laws, children under 18 are required to provide employers with proof of their age. One means of satisfying this requirement is to obtain an age certificate from a school attended by the child. (See 450.045 (1)(c), F.S.)

17. RIGHT TO REQUEST AMENDMENT OF EDUCATION RECORDS

If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record. The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request. If the agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and his or her right to a hearing.

An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the parent or eligible student in writing.

If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.

The agency or institution shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

The hearing must meet, at the minimum, the following requirements:

- A. The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the eligible student or parent.
- B. The educational agency or institution shall give the eligible student or parent notice of the date, time, and place, reasonably in advance of the hearing.
- C. The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

- D. The educational agency or institution shall give the eligible student or parent a full and fair opportunity to present evidence relevant to the issues raised under the challenge.
- E. The eligible student or parent may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.
- F. The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- G. The decision 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.

The procedures are as follows:

A. Informal Conference

Upon receipt of a written request from a parent, guardian, or student to amend or delete certain portions of a student's records as inaccurate, misleading, or otherwise inappropriate, the school principal arranges for an informal conference. Most requests can be resolved at the school level through an informal conference. The principal can agree to a request to amend or delete records, agree in part, or deny the request. Records are deleted in accordance with district expungement procedures.

If efforts to resolve the request through an informal conference fail, the parent, guardian, or student is given a written decision within 10 school days after the conference. The written decision should state the reason(s) for denial of the request. A copy of the decision is forwarded to the Area Superintendent for the appropriate region.

B. Appeal Hearing

If dissatisfied with the outcome of the informal conference, or if no decision has been rendered within 10 days of the conference with the principal, the parent, guardian or student may file a formal grievance with the office of the appropriate Area Superintendent. The Area Superintendent will schedule a hearing within a reasonable period of time to review the expungement request.

The parties to the grievance are responsible for arranging the attendance of witnesses. The office of the Superintendent of Schools will notify the parties of the date, time and place of the hearing.

Those permitted in the hearing room during the appeal hearing include:

1. Area Superintendent
2. those named as filing the grievance, or in the case of a large group, representatives of the group
3. counsel for the aggrieved persons and for the administration
4. school system personnel involved in the grievance
5. witnesses
6. secretaries to record the proceedings

7. a court reporter if requested by either party

The parent or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the grievance. Witnesses will remain in another room; they will be called individually to testify.

C. Written Decision

The Chief will render a written decision to all interested parties within 10 school days of the completion of the hearing, including the right of the parent or eligible student to place a statement in the record if the request for amendment is denied.

18. TRANSFER OF STUDENT CUMULATIVE RECORDS

It is not necessary to obtain permission from the eligible student or parent before responding to a request for records from the officials of a school in which the student is enrolled or seeks to enroll.

Other requests for transfer of education records must be authorized in writing by the parent, guardian, or eligible student. File the signed release form in the student's cumulative folder at the school.

The transfer of education records shall not be delayed for nonpayment of a fee or fine assessed by the school. (See State Board of Education Regulation 6A-1.0955 (10)(b)).

A. Transfer of Education Records to a K-12 Pinellas County Public School

All Category A and B information will be transferred to the receiving school within three days of receipt of request.

When an ESE student changes schools during the school year, it is important that the records are forwarded as soon as possible. This allows the new school to continue provision of needed ESE services.

The sending school retains:

1. a chronological list of the names of all students transferred
2. the date of records transfer for each student
3. the name of the receiving school

For education records transferred as part of the annual mass transfer process (see D. below), retain a copy of the List of Transferring Students (PCS 3-2118). It is not necessary to make copies of education records when transferring them to other public schools within Pinellas County.

B. Transfer of Education Records to a Charter School

Education records may be transferred to district-sponsored charter schools under the same procedures followed for any other Pinellas County public school.

Charter schools operating outside of Pinellas County, or under the sponsorship of an agency other than the Pinellas County School Board, are considered out-of-county schools. Provide copies of Category A and Category B information upon receipt of an official written request

from a school official, parent or guardian. Do not send original education records. Staffing folders, psychological reports, and reports of truancy remediation are Category B information; they must be included in the records copied and provided in response to these requests.

- C. Transfer of Education Records to ESE Cooperative Out-of-School Programs, Dropout Prevention Sites, Adult Centers, Adult High Schools, Technical Education Centers, Private, Parochial, or Out-of-County Schools

Do not transfer the original student cumulative record to any ESE cooperative out-of-school program, Dropout Prevention site, adult high school, technical education center, private, parochial, or out-of-county school. Provide copies of Category A and Category B information upon receipt of an official written request from a school official, parent or guardian. Staffing folders, psychological reports, and reports of truancy remediation are Category B information; they must be included in the records copied and provided in response to these requests.

- D. Mass Transfer of Education Records

The mass transfer of records results when students change school en masse, for promotion to a higher level school or as the result of rezoning. Every year a memo is distributed establishing the records pickup schedule.

- E. Transfer of Inactive Education Records to Central Records

Category A information is retained permanently by the school district.

Category B information is disposed of in accordance with Section 1001.52(3) and 257.37, F.S.

Central Records schedules the pickup of inactive education records upon request of the individual school, once the records have met the school-based retention period.

19. RECORDS LOCATIONS

The Superintendent of Schools or a designee is responsible for the privacy and security of all education records that are not under the supervision of a school principal. The following information is necessary for audit.

KIND OF RECORD	LOCATION	CONTACT PERSON
Teacher-based: Materials used by the teacher who works with the student.	In the school center where the student is enrolled	Principal or designee of the school or center where the student is enrolled
Active Education Records: All education records of an active student.	In the school or center where the student is enrolled	Principal or designee of the school or center where the student is enrolled
Inactive Education Records, Hard Copy: Inactive education records (i.e., not an active student) that have been transferred to Central Records for storage.	Bernice Johnson Center County Road 193 Clearwater, FL 33759	Records Retention Coordinator, Central Records
Inactive Education Records, Electronic: Inactive education records (i.e., not an active student) maintained on legacy systems.	Pinellas County Schools Administration Building 301 4 th Street SW Largo, FL 33770	Chief, Technology and Information Systems
Defunct Private School Education Records: Records from a Pinellas County private school that has closed and turned over its education records to the school district.	Bernice Johnson Center County Road 193 Clearwater, FL 33759	Records Retention Coordinator, Central Records
Microfilmed Records: Inactive records that have been filmed and stored.	Bernice Johnson Center County Road 193 Clearwater, FL 33759	Records Retention Coordinator, Central Records

20. SYSTEM TO MONITOR COMPLIANCE

Central Records personnel will monitor schools to determine if schools are in compliance with School Board policies and procedures on student educational records which are included in this manual. The monitoring system will include periodic checking at selected schools; memos to principals and records clerks; meetings with principals and records clerks; a review of records sent to be stored; and other assistance as requested by each school.

21. AUDIT OF STUDENT ENROLLMENT

The Florida Auditor General shall periodically examine the records of the district, and other agencies as appropriate, to determine compliance with law and State Board of Education rules relating to the classification, assignment, and verification of full-time equivalent student enrollment and student transportation reported under the Florida Education Finance Program. (See 1010.305, F.S.)

22. RELATED INFORMATION SOURCES

For related information see Records Management pages and *The Policy Manual of the School Board of Pinellas County* located on the district website, www.pcsb.org.

23. PROTECTIONS REGARDING ONLINE EDUCATIONAL SERVICES

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 Board requires the review and approval of any online educational service that students or their parents are required to use as part of a school activity (1) regardless of whether there is a written agreement governing student use, (2) whether or not the online educational service is unique to specific classes or courses.

“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 the district or its schools may use to which students or parents do not have access, such as a district student information system.

The Superintendent is responsible for reviewing the online educational service’s terms of service and privacy policy for 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 . 6501-6506, and F.S. 1002.22. The Superintendent is responsible for the review and approval of online educational services that will be required for students to use.

Parents and eligible students will be notified any time they are required to use an online educational service that collects student PII. If PII will be collected by the online educational service, parents and eligible students will be provided notification regarding the 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.

The Board will not utilize any online educational service that will share or sell a student’s PII for commercial purposes. If a student is required to use an online educational service, the Board will include on its website a description of the student PII that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure, if any. The website will also include a link to the online educational service’s terms of service and privacy policy, if publicly available.

Contracts or agreements with third-party vendors

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. Any agreement that provides for the disclosure or use of student PII must:

- A. Require compliance with FERPA, its implementing regulations, and F.S. 1002.22;
- B. Where applicable, require compliance with COPPA, 15 U.S.C. 6501-6506, and its implementing regulations;
- C. Ensure that only the student PII necessary for the service being provided will be disclosed to the third party; and
- D. Prohibit disclosure or re-disclosure of student PII unless one of the conditions set forth in F.A.C. 6A-1.0955(11)(b) has been met.

Contracts or agreements with a 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:

- A. The disclosure is authorized by FERPA and 34 C.F.R. Section 99.31;
- B. The disclosure is authorized by the Board's directory information provisions set forth in this policy and implemented in accordance with FERPA and 34 C.R.R. Section 99.37; or
- C. 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.

24. APPENDIX. NOTICE DEFINING SCHOOL OFFICIALS

**DISTRICT PERSONNEL AUTHORIZATION LIST FOR
ACCESS TO EDUCATION RECORDS**

It is the responsibility of the principal to properly store and maintain education records of students. Education records must be maintained in compliance with state laws, state administrative rules, and local school board policies. The location of these education records must be in compliance with the location identified in the table in Section 19 of the Student Educational Records Manual.

There are three purposes for maintaining education records. The first is to facilitate instruction. The second is to provide guidance. The third is to maintain a record of the educational progress of students, adult students, and programs operated under the authority and direction of the district School Board.

School Officials are persons employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); School Board members; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, therapist, or other vendor); a parent or student serving on an official committee, such as a disciplinary, grievance or appeal committee; or a parent or other volunteer assisting another school official in performing his or her tasks.

However, as noted in this Manual, school officials may only access education records if they have a legitimate educational interest. See Section 2, Q.

This notice and a list of your faculty members and itinerants must be posted in a conspicuous location in your records room or area. Any person other than those listed above or on your faculty list requesting data must obtain permission from the principal and/or the appropriate county administrator. Access to education records by persons other than parents, guardians, adult students, or authorized district personnel must be noted on the Records Review Log (PCS Form 3-2130).