

CHAPTER 5.00 – STUDENTS

EDUCATION RECORDS

5.19

1. Purpose. This rule applies to education records maintained to facilitate the instruction, guidance, and educational progress of students in programs operated under the authority and direction of the St. Johns County School District. This rule implements Florida Statutes 1002.22 and 1002.221 and Florida Department of Education Rule 6A-1.0955 to protect the rights of students and their parents with respect to education records created, maintained, or used by the District in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g and its implementing regulations.
2. Definitions.
 - a. “Education records” means records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution, as defined in 20 U.S.C. s. 1232g(a)(4).
 - b. “Eligible student” means a student who has reached 18 years of age or is attending a postsecondary institution, at any age.
 - c. “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 online services that districts or schools may use to which students or parents do not have access, such as a District student information system.
 - d. “Parent” includes parents or guardians of students who are or have been in attendance at a District school or educational program.
 - e. “Personally identifiable information” or “PII” means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR § 99.3. PII includes but is not limited to direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

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- f. “School day(s)” means any weekday that school is in session, based on the District's calendar;
 - g. “Student” means any individual who is or has been in attendance at a District school or program and regarding whom the District maintains education records.
 - h. “Therapeutic treatment plan” means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.
 - i. “Therapy progress notes” means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.
 - j. “Third-party vendor” or “Third-party service provider” means any entity, whether public or private, that provides services to the District through a contract or agreement. The term does not include the Florida Department of Education, the Department's contractors and subcontractors, and other school boards and school districts as defined in Rule 6A-1.0955(2)(g), F.A.C.
3. Categories of Records. Information contained in education records must be classified and retained as follows:
- a. Category A: Information for each student which must be kept current while the student is enrolled and retained permanently in the manner prescribed by Florida Statute 1001.52(3).
 - b. Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Florida Statute. 1001.52(3).
4. Category A Records. The following Category A information must be maintained for each student:
- a. Student's full legal name, as initially determined in accordance with Florida Statute 382.013 or as legally changed in accordance with Florida Statute 68.07;
 - b. Authenticated birthdate, place of birth, race, ethnicity and sex;
 - c. Last known address of the student;
 - d. Names of the student's parent(s) or guardian(s);

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- e. Name and location of last school attended;
 - f. Number of days present and absent, date enrolled and 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;
 - i. Records of requests for access to and disclosure of personally identifiable information from the education records of the student as required by FERPA; and
 - j. Threat management records, as described in paragraph 6.
5. Category B Records. Category B records may include but are not limited to the following:
- a. Health information and health care plans;
 - b. Family background data;
 - c. Standardized test scores;
 - d. Educational and career plans;
 - e. Honors and activities;
 - f. Work experience reports;
 - g. Teacher comments;
 - h. Reports of student services or exceptional student staffing committees including all information required by Florida Statute 1001.41(13);
 - i. Discipline records;
 - j. School Environmental Safety Incident Reports (SESIR) collected under Florida Statute 1006.07(9);
 - k. Academic and behavioral intervention services;
 - l. Psychological evaluations;
 - m. Therapeutic treatment plans and therapy progress notes;
 - n. Correspondence from community agencies or private professionals;

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- o. Driver education certificate;
 - p. List of schools attended;
 - q. Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records; and
 - r. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for *Public Schools Pre-K -- 12, Adult and Vocational/Technical*.
6. Threat Management. All reports of concerning behavior, concerning communications, or threats documented using the Florida Harm Prevention and Threat Management Instrument prescribed by Rule 6A-1.0019, F.A.C., are Category A records and must be permanently maintained in the Florida School Safety and Threat Management Portal upon its availability. Threat management records include all corresponding documentation and any additional information required by the Florida Model for Harm Prevention and Threat Management related to the reporting, evaluation, intervention, and management of threat assessment evaluations and intervention services.
7. Searchability. The District shall maintain sufficient information, including social security numbers, for students enrolled in a postsecondary program so that they can be located after they have either withdrawn or completed a program of study.
8. Annual Notice. Annual written notice shall be given to parents and eligible students to inform them of their rights of access, waiver of access, challenge and hearing, privacy, and categories of PII designated as directory information. The notice shall also inform them of the existence of this rule and how it can be accessed.
9. Rights of Students and Parents. The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies shall be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, the implementing regulations issued pursuant thereto, and this section. In order to maintain the eligibility of public educational institutions and agencies to receive federal funds and participate in federal programs, the State Board of Education shall comply with FERPA after the board has evaluated and determined that the FERPA is consistent with the following principles:
- a. Students and their parents shall have the right to access their education records, including the right to inspect and review those records.
 - b. Students and their parents shall have the right to waive their access to their education records in certain circumstances.

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- c. Students and their parents shall have the right to challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
 - d. Students and their parents shall have the right of privacy with respect to such records and reports.
 - e. Students and their parents shall receive annual notice of their rights with respect to education records.
10. Access to Records. Eligible students and the parents or guardians of students who are or have been in attendance in the District shall have the right to inspect and review their education records. The District shall arrange for such inspection and review within a reasonable period of time, but in no case more than 30 days after the request has been made.
 11. Copy Charges. Students and parents may obtain copies of education records by making a request to the principal or other custodian of the records. Charges for copies of public records not exceeding 8 1/2" x 14" in size shall be fifteen (15) cents for each one-sided copy or twenty cents for each two-sided copy, unless a different fee is otherwise prescribed by Florida Statutes. A one dollar (\$1.00) fee shall be assessed for a certified copy of a public record.
 12. Electronic Records. Audio, video, and other electronic materials shall be charged at the actual cost of duplication as determined by the Superintendent.
 13. Redaction. A security videotape or other education record may depict images or contain personally identifiable information about other students in addition to the requesting parent's child(ren). If extensive redaction is required to remove the personally identifiable information of other students from an education record, the District may charge, in addition to the cost of copying or duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the District or attributable to the District for the clerical and supervisory assistance required, or both.
 14. Waiver of Access to Confidential Letters or Statements. Parents, guardians and eligible students shall have the right to waive access to confidential letters or statements of recommendation or evaluation. Such waiver shall be made in writing and shall be signed by the parent or guardian.
 15. Waiver of Rights. The District may not require parents, guardians or eligible students to waive their rights under section Florida Statute 1002.22(2) and FERPA.

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16. Listing of Educational Records. The type, location, and name and title of the custodians of the educational records maintained by the District are as follows:
 - a. Academic Records
 - b. Exceptional Education Records
 - c. Disciplinary Records
 - d. Counseling Records
 - e. Health Records

Records are maintained at the student's school and District offices. Principals are responsible for school-based records. Department heads are responsible for District office records. Requests for educational records should be directed to the school or department where the records are maintained. Questions in regard to requests for educational records should be directed to the Office of Community Relations.

17. Security of Student Records. The District supports and complies with cybersecurity standards commonly referred to as the CIA Triad that safeguard its data, information technology, and resources to ensure confidentiality, integrity and availability. The District supported cybersecurity standards include: the National Institute of Standards (NIST), the NIST Cybersecurity Framework (CSF) and the Center for Internet Security (CIS) which are generally accepted as best practices for cybersecurity. The District also engages with the National Cybersecurity & Infrastructure Security Agency (CISA) for cybersecurity monitoring, resources and vulnerability alerts.
18. Disclosure of Personally Identifiable Information. Except for (i) directory information or (ii) as authorized by FERPA or other applicable law, student education records shall not be disclosed to any person without the consent of the parents, guardians or eligible students.
19. Disclosure of Directory Information. Student Directory Information is governed by Rule 5.20.
20. Right to Challenge Education Record. If a parent, guardian or eligible student believes an education record to be inaccurate, misleading, or a violation of a student's privacy, the parent, guardian or eligible student may challenge the record by requesting the District to appropriately amend the record. Such request must be submitted in writing to the District Director of Student Services within 90 days after the date of the action or event that is the subject of the record. Such a challenge is only available to correct clerical and ministerial errors, not to bring substantive claims regarding the reasons for making the challenged entries.

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21. Delegation of Authority. The Superintendent is authorized to enact procedures and guidelines to interpret and implement this rule.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAWS IMPLEMENTED:

20 U.S.C. 1232g;
1002.22, 1002.221, 1002.222, F.S.

STATE BOARD OF EDUCATION RULES:

6A-1.0955, F.A.C.

HISTORY:

Adopted: 1/11/05
Revised: 1/12/16; __/__/26