

Student Records

Student record information

Rights of a parent/eligible student

Access to student records without prior parental consent

2020-2021

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Superintendent of Schools

Duval County Public Schools

Jacksonville, Florida

DUVAL COUNTY PUBLIC SCHOOLS JACKSONVILLE, FLORIDA

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Parents or eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by a school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy and Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

- Parents of an eligible student if the student is a dependent for IRS tax purposes.
- Other school officials who have legitimate educational interests or whose job requires them to work with student records. Note: The District uses contractors, consultants, volunteers, and approved service providers as school officials to provide certain institutional services and functions.
- Other educational agencies or institutions that have requested the records, and in which the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
- Accrediting agencies.
- School boards or their designees holding expulsion hearings.
- Appropriate parties in connection with an emergency in order to protect the health/safety of the student.
- Legal authorities with a subpoena or court order, provided the school official notifies the parent or eligible student in writing in advance of compliance, unless otherwise ordered under a law enforcement subpoena.
- Parties to an interagency agreement among the Department of Juvenile Justice, school, and law enforcement authorities, and other signatory agencies in a joint effort to improve school safety, to reduce truancy and suspensions, to support alternatives to suspensions and expulsions, and to support students in successfully completing an education program.
- The Florida Department of Children and Families, in connection with a child abuse, neglect or abandonment investigation, pursuant to Florida Statutes and the federal Child Abuse Prevention and Treatment Act.
- The Florida Department of Children and Families pursuant to the Uninterrupted Scholars Act.
- U. S., state, or local educational authorities that are authorized by statute to receive such information, which often is a requirement for monitoring program eligibility.
- Authorized representatives of the court in a matter related to the school district instituting legal action against a parent or student, or a parent or eligible student initiating legal action against a school district.

*For the purpose of this document, please note that legal guardian can be used interchangeably with parent.

How are parents/eligible students informed of their rights?

This brochure is distributed at the beginning of each school year to every student in Duval County Public Schools. Also, the brochure and copies of the DCPS Board Policy 5.70—Student Records, are available at each school and may be found on the District's website at www.duvalschools.org

DIRECTORY INFORMATION FORM

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (eligible students) certain rights with respect to the student's educational records. These rights are outlined in this brochure.

Parents may opt out of the disclosure of "directory information" at the start of each school year.

Please complete the form on the reverse side and return to your student's school by the indicated date.

What is the purpose of this brochure?

Student information is protected by the Family Educational Rights and Privacy Act (FERPA), Florida Statutes, and Duval County Public Schools (DCPS) Board Policies. These resources afford parents and students who are 18 years of age or older (eligible students) certain rights with respect to the student's education record. This brochure will provide guidance on student records and the rights of parents and eligible students.

What rights do parents and eligible students have regarding education records?

Parents and eligible students have the right to:

- Inspect and review the education record within 30 days after the school receives a written request to access the record.
- Receive a copy of the record. A reasonable fee not to exceed 15 cents per page is allowed for copies. An additional 5 cents per page may be charged for two sided copies.
- Request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- Provide written consent before the school discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- File a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

What is in an education record?

According to FERPA, "education records" are defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. (See 20 U.S.C. §1232g). Florida Statute 1003.25 requires all principals to maintain permanent cumulative records for all students enrolled in a public K-12 school. Florida law also dictates the content and format of the student record. A student's education record includes, **but is not limited to**, personally identifiable data (social security number, address, birth date, sex, and race); academic records; standardized intelligence, aptitude, and psychological test results; interest inventory results; attendance records; and health data. Also, the record may contain family background information, extracurricular activities, discipline, honors and awards, and a list of schools attended.

What is required to inspect the student's record?

Parents or eligible students who wish to inspect education records should submit a written request to the school principal/designee that identifies the records they wish to inspect. The principal/designee will make arrangements to access and notify the parent or eligible student of the time and place where the records may be inspected. DCPS staff must comply with the education records request within 30 days.

Parents or eligible students who ask the school to amend the education records should submit a written request to the school principal/designee clearly identifying the part of the record they want changed and specify why it should be changed.

Who, other than parents and eligible students, may access education records?

Parents have the legal right to any and all information in a student's permanent cumulative record. All parents (married, divorced, separated, never married) have the right to access the student's education records, unless a court order exists that prevents the parent from doing so. Accordingly, a stepparent has rights under FERPA where the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. In such cases, stepparents have the same rights under FERPA as do natural parents. Conversely, a stepparent who is not present on a day-to-day basis in the home of the child does not have rights under FERPA with respect to the child's education records.

Moreover, school officials who need the information to work effectively with the student may also have access to the education records. A school official generally includes a person employed by the school district as an administrator, supervisor, instructor, support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

With some exceptions (listed in this brochure) no one else may gain access to the student's permanent cumulative records without written consent of the parent. Understand, however, that "directory information" can be made available for broad categories of students.

What is "directory information?"

Directory information is information contained in the education record of a student that would not generally be considered harmful or an invasion of privacy, if disclosed. It includes, but is not limited to: name, address, telephone number (if listed), electronic mail address, photograph, date and place of birth, age, award, schools attended, major field of study, grade level, participation in officially recognized activities and sports, weight and height (if an athletic team member), dates of attendance at schools in the District and degrees and awards received, name of the most recent previous educational agency or institution attended, student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or part, cannot be used for this purpose).

What if a parent does not want the student's directory information disclosed?

Duval County School Board policy 5.71-Directory Information, reads, in part, that directory information may only be released to "...the United States Military, universities, colleges, and the State of Florida Department of Health. Parents may opt to have NO directory information released by completing and submitting the Directory and Information Release form with their request. The form is part of the Student Records brochure." The School Board may waive this policy as it deems necessary.

Should a parent elect to preclude the publication of his or her student's directory information, the District will not publish the information. As a result of the parent's request, the student's information will not be published in the yearbook, graduation programs, athletic programs, honor rolls, and/or any other similar publication that contains the education record of the student.

What third parties may access the student's education record without prior consent?

FERPA permits the disclosure of personally identifiable information (PII) from student's education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in 34 CFR 99.31 of the FERPA regulation. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or eligible students to the following;

- Other school officials in connection with a student's application for/receipt of financial aid.
- Researchers who do not identify students.

SCHOOL NAME _____

MI _____

First _____

Last _____

STUDENT NAME _____

DIRECTORY INFORMATION RELEASE:

Duval County Public Schools will disclose directory information from a student's education records in accordance with district policy that dictates directory information may only be made available to colleges and universities, the military, and others as approved by the Superintendent.

Please only complete this form if an "opt-out" choice is selected below.

_____ I would like the Duval County Public Schools to disclose information for my child's education records to colleges and universities **BUT NOT** to the military.

_____ I do not want the Duval County Public Schools to disclose my child's directory information to a third party. I understand that by completing and submitting this form to the Duval County Public Schools that the District will restrict disclosure of directory information from my child's education records. I understand that choosing this option will prevent my child's information from being included in documents including, but not limited to, yearbooks, graduation programs, athletic programs, and honor rolls.

PARENT NAME/ELIGIBLE STUDENT _____

SIGNATURE _____

DATE _____