

# **Registrar Manual**

## **Student Records**

**(2014-2015)**

**Revised 7/23/14**

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## LAW MANDATES

The handling of student records is mandated by Federal Law, State Statutes and District Policies and Procedures.

### FEDERAL LAW

The Federal Law for educational records is stated in the "Family Educational Rights and Privacy Act," referred to as FERPA, or "Buckley Amendments." FERPA was adopted to protect the privacy of students and parents. The act was originated in April of 1988, updated January of 1993 and again in August of 2000.

As a registrar for a school, you access individual student records while performing your official duties. Under FERPA, you are legally and ethically obliged to safeguard the confidentiality of any information they contain.

The primary rights of parents and eligible students under FERPA are:

- The right to inspect and review education records
- The right to seek to amend education records
- The right to have some control over the disclosure of information from education records

FERPA's legal statute citation can be found in the U.S. Code (20 USC 1232g) which incorporates all amendments to FERPA. FERPA regulations are found at Code of Federal Regulations (CFR) for Title 34; Part 99.

### FLORIDA STATUTES

Florida Statutes provides many laws relating to educational records. The following statutes represent the most important need-to-know data:

Title	Chapter & Part	Part Title
X	119.07	Public Records, Inspection and copying of records; photographing public records; fees; exemptions.(Florida Public Records Law)
XLVIII	1001.4	K-12 Governance, School District Governance
	1001.41	General powers of district school board.
	1001.42	Powers and duties of district school board.
	1001.43	Supplemental powers and duties of district school board.
	1001.52	Superintendents employed under Art. IX of the State Constitution, Reproduction and destruction of district school records.
	1002.2	Student and Parental Rights
	1002.22	Education records and reports of K-12 students; rights of parents and students; notification; penalty.
	1002.221	K-12 education records.
	1002.42	Home Education, Private Schools, Other Education Options
	1002.72	Records of children in the Voluntary Prekindergarten Education Program.
	1003.21	School Attendance
	<a href="#">1003.25</a>	Procedures for maintenance and transfer of student records

## LAW MANDATES

### FLORIDA ADMINISTRATIVE CODE

Rule 6A-10955 Education Records

### SCHOOL DISTRICT POLICIES

The School Board has adopted several policies to govern the manner in which staff will ensure all applicable laws and rules are followed as set forth by Federal Law, State Statute, and State Board of Education.

<b>Policy</b>	<b>Title</b>
3.50	Public Information and Inspection of Records
3.51	Copying of Public Records
5.70	Student Records
5.71	Directory Information
5.711	Parental Access to Information
5.72	Legal Name of Student
5.73	Person Standing in Loco Parentis to Student
8.80	Records Retention and Disposal

## ACCESS TO RECORDS

### **RIGHTS OF STUDENTS AND PARENTS**

1002.22 (2) Florida Statute 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 the 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.
- (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 notice of their rights with respect to education records.

### **PRIOR CONSENT REQUIRED TO DISCLOSE INFORMATION:**

A parent or eligible student shall provide a signed and dated written consent before a school may disclose records. The consent must:

- Specify the records that may be disclosed
- Specify the purpose of the disclosure
- Specify the party or class of parties to whom disclosure may be made

### **PRIOR CONSENT NOT REQUIRED TO DISCLOSE INFORMATION:**

Exceptions to prior consent for disclosure that apply to school districts include:

- To school officials who are determine to have legitimate educational interest.  
Our District allows only those with a legitimate educational interest in the students to have access to their records. Access in special situations is described below.
  - Charter schools are public schools authorized by the School Board and their staff is bound by the same regulations as noted above.
  - Second Chance schools are programs with which the School Board has contracted to provide specialized services and their staff is bound by the same regulations as noted above.

## ACCESS TO RECORDS

- Contracted staff such as therapists, consultants, and others with a legitimate educational interest with students may view and make copies of student records for activities directly related to their contract. Any copies must be maintained under locked files, must not be shared with others without parental consent and must be destroyed at contract termination.
  - Volunteers are not allowed to work with student records. A court appointed Guardian Ad Litem or other court appointed individual can have access to the records of the student he is assisting upon providing the proper identification.
  - Practicum students and interns preparing for careers as teachers, school psychologists, school social workers, guidance counselors, occupational therapists and speech therapists, routinely serve in school situations in which access to records is necessary. Such individuals do have access to their own students' records. All contracted staff, practicum students, and interns must sign a Confidentiality Statement prior to working with students and their records.
- To schools or institutions of postsecondary education in which a student seeks or intends to enroll
  - To federal, state, and local authorities involving an audit or evaluation of compliance with education program requirements
  - In connection with financial aid, such as a college loan
  - To organizations conducting studies for or on behalf of educational institutions
  - To parents of dependent student as defined the IRS code
  - To accrediting organizations
  - To comply with a judicial order of subpoena
  - For health or safety emergencies
  - As directory information
  - To the parent of a student who is not an eligible student or to the student
  - To state or local officials in connections with serving the student under the juvenile justice system in accordance with an interagency agreement as required by Section 228.093, Florida Statutes
  - If a school district initiates legal action against a parent, or if a parent initiates legal action against a school district. In such circumstances, the school district may disclose to the court, without court order or subpoena, the education records of the student that are relevant for the school district to proceed with legal action as the plaintiff or to defend itself.

## **CHALLENGING STUDENT RECORDS**

### Code of Federal Regulations, Title 34, Part 99, Subpart C

- The parent should identify, in writing to the school, the portion of the records believed to be inaccurate, misleading, or a violation of the privacy rights of the student.
- The school must decide within a reasonable period of time whether to amend as requested.
- If the school decides not to amend, it must inform the parents of their rights to a hearing.
- If the parents desire a hearing they must request the hearing, in writing, to the Superintendent.

## **ACCESS TO RECORDS**

- The Superintendent will appoint a person or persons (depending on the nature of the record being challenged) to act as the hearing officer or panel.
- A hearing will then be held to hear the parents appeal and the school's position and review the evidence. This hearing must take place within 30 days of the parent's request and comply with applicable portions of The Code of Federal Regulations, Title 34, Part 99, Subpart C.
- The Superintendent will notify the parent of the outcome of the hearing within 5 days of completion of the hearing.
- After the hearing is held, if the decision is not to amend the records, the parents have a right to insert a statement of disagreement in the records. This statement must be maintained with the contested part of the record and disclosed whenever that part of the student record is released. If, as a result of the hearing, the decision is that the information is inaccurate, misleading, or a violation of the privacy rights of the student, the school will amend the record and inform the parent in writing of the amendment.

## REQUEST FOR RECORDS

### REQUESTS FOR RECORDS

- FERPA and the Code of Federal Regulations, Title 34, Parts B and D dictate the manner in which we reply to requests for records.
- The former student or authorizing party must complete and sign a Request for Student Records Form, 042-07-REC-BUS, found on the Record Retention Center web page allowing the release of the requested records. They must also provide a copy of photo identification.
- The current student must complete a school Transcript Request form allowing the release of the requested records. They must provide their student ID.
- The school must enter the appropriate information in the student access log in the front of the student cumulative folder. (Exception: A party with a law enforcement subpoena or court order which specifies that the existence or contents of the subpoena or court order not be disclosed.)
- The school should always verify who will be receiving the records. Call the location where the records are either being sent to confirm the address or fax number or check the driver's license if someone is picking up the records.
- The school must acknowledge the receipt of the request and comply with the request within 30 days in accordance with FAC Rule 6A-1.0955(6)(b).
- Florida Statutes requires the school to furnish copies of records to the parent, guardian, or student upon request. The original records/cum file must be retained by the school. Send copies of records also to Out-of-county learning institutions, out-of-state learning institutions, any business/agency.
- The school may not destroy records if a request for records is pending or if a request for records has been made in the last 30 days.
- If records are to be reviewed on-site, an appointment should be made in advance. The records will need to be redacted for personal identifying information and information regarding other students. The registrar or records coordinator should remain with the person viewing the records at all times. Contact Record Retention for assistance with redacting.
- Any records requests received for the student must also be filed in the student cumulative folder under the Student Record Access Log.
- Maintain a list of records you send. You may use a log, card file, or any procedure your cost center implements to record where and when records are being sent. Keep records by fiscal year. Keep records by in-county vs out-of-county.



## **REQUEST FOR RECORDS**

### **ELECTRONIC RECORDS**

Basic records management principles apply to any record, whether in a file cabinet, a computer disk or optical record media. Records are valuable only if they can be found when needed for action or reference. Proper labeling, indexing, and preservation actions are necessary to ensure that electronic records are available and accessible throughout their mandated retention period. Electronic records may include data files, databases, machine readable indexes, word processing files, electronic spreadsheets, electronic mail and electronic messages, as well as other text or numeric information.

A student's educational record includes not only the standard types of records, (student cumulative file, health records, teacher's working file, exceptional student education documentation, etc.) but also the records contained on the District electronic system. When complying with a request for records it is imperative that all records are included in the transmittal to the requestor. The records maintained at other schools must also be researched and included with the entire packet sent to the requestor.

### **PARENT REQUESTS**

FERPA gives parents the right to review education records. These rights transfer to the student when the student turns 18 years old or attends a postsecondary institution. At this time, the student is designated as an "eligible student" and holds the same rights as his or her parent held with respect to education records. Prior consent is not required for schools to disclose information from an eligible student's education record to the parents if the eligible student is a dependent for tax purposes under the Internal Revenue Service rules.

Parents may request their children's school records by completing the Request for Student Records form. A Request for Student Records form can be found on the Record Retention Center web page. The proof that a parent can have access to a student record should be authenticated. The legal ramifications for releasing a record to someone who does not have access could have penalties.

Students of any age may also request their own records. The student should provide a student ID to request records.

### **NON-PARENT REQUESTS**

When a school or department receives a request for information about a student from an individual other than a parent or staff member from another agency, an authorization should accompany the request. Do not hesitate to insist that the requestor has authorization to have such information on our student. If you have any concerns contact the Record Retention Center and they will be glad to assist you.

## REQUEST FOR RECORDS

### INTERAGENCY REQUESTS

#### **Mentoring Agencies - Require Parental Consent**

(Agreements effective 7/23/14)

Big Brothers and Big Sisters of the Sun Coast, Inc.  
Jewish Family & Children Service of Sarasota-Manatee, Inc. (JFCS)  
Girls Incorporated of Sarasota County  
Girls Scouts of Gulfcoast Florida, Inc.  
Take Stock in Children  
Sarasota Family YMCA, Inc.

**Access to students and student records requests from the above mentoring agencies should be handled as follows:**

#### **In person:**

1. Volunteer must sign in as a visitor on the visitor log.
2. Volunteer must go through the Raptor system.
3. Volunteer must sign in to the PALS computer.
4. Office staff must verify the volunteer is the assigned mentor for the respective student and that a parental consent form is on file for the respective student by checking the PALS Count Mentoring Report.
  - a. A copy of the parental consent form should also be in the student cumulative file and should be retained for 4 anniversary years after last effective date of authorization per GS7, Item 131, Release of Student Information: Generic.

#### **By phone (for example if a mentor is calling to find out if a student is at school that day):**

1. Office staff must confirm the identity of the person requesting the information by asking for their name, agency name, student name, and mentor password and comparing that to what is in the PALS Count Mentoring Report.
2. Office staff must verify the volunteer is the assigned mentor for the respective student and that a parental consent form is on file for the respective student by checking the PALS Count Mentoring Report.
  - a. A copy of the parental consent form should also be in the student cumulative file and should be retained for 4 anniversary years after last effective date of authorization per GS7, Item 131, Release of Student Information: Generic.

## REQUEST FOR RECORDS

### **Non-Mentoring Agencies - Require Parental Consent**

(Agreements effective 7/23/14)

Bay Area Youth Services, Inc.

Coastal Behavioral Healthcare, Inc.

Community Youth Development of Sarasota County (Do not have access to records)

Sarasota Housing Authority

**Access to students and student records requests from the above agencies should be handled as follows:**

#### **In person:**

1. Person must sign in as a visitor.
2. Person must go through the Raptor system.
3. Office staff must confirm the identity of the person by calling the agency and verifying that the person works for that specific agency.
4. Office staff must verify that the person is allowed to access the student and/or student records by confirming there is a current parental consent form from the respective agency in the student's cumulative file. The school may want to create individual binders for each of the above agencies with a copy of the current parental consent forms from the student's cumulative files so that office staff can easily access the binders to verify this information.
  - a. A copy of the parental consent form should be in the student cumulative file and should be retained for 4 anniversary years after last effective date of authorization per GS7, Item 131, Release of Student Information: Generic.

#### **By phone (for example if a person is calling to find out if a student is at school that day):**

1. Office staff first must get the person's name and phone number, agency name and phone number, student name, and requested information and then tell the caller they will need to call them back.
2. Office staff must confirm the identity of the person who called by calling the agency and verifying that the person works for that specific agency.
3. Office staff must verify that the person is allowed to access the student and/or student records by confirming there is a current parental consent form from the respective agency in the student's cumulative file or a copy of the current parental consent form in an agency binder set up by the school.
  - a. A copy of the parental consent form should also be in the student cumulative file and should be retained for 4 anniversary years after last effective date of authorization per GS7, Item 131, Release of Student Information: Generic.
4. Office staff then can return the call with the information requested.

## REQUEST FOR RECORDS

### Department of Children and Families (DCF) – Parental consent NOT Required

May include but not limited to:

State of Florida Protective Services

Safe Children's Coalition – Comprehensive Behavioral Health Assessors (CBHA)

Camelot Community Care Florida Mentor

Families First of Florida Kinship Services

Family Preservation Manatee Glens

Florida Center for Child and Family Development

**Access to students and student records requests from the above agencies should be handled as follows:**

#### **In person:**

1. Person must sign in as a visitor.
2. Office staff must confirm the identity of the person requesting the access to the student or records by checking their agency identification card.
3. Parental consent is not required however, a person **may have** a parental consent form or court order. If they do, we need to make a copy for the student cumulative file.
  - a. A copy of the parental consent form should be filed in the student cumulative file and should be retained for 4 anniversary years after last effective date of authorization per GS7, Item 131, Release of Student Information: Generic.
  - b. A copy of the court order should be filed in the student cumulative file and should be retained permanently per CFR Title 34 §99.32(a) and GS7, Item 111, Access Log: Student Education Records.
4. Office staff should get the Administrator or designee to proceed.
5. If records are accessed, an entry should be made in the Access Log in the Student cumulative file per CFR Title 34 §99.32(a) and GS7, Item 111, Access Log: Student Education Records.

#### **By phone or email (for example, if person is requesting records such as grades or attendance):**

1. Office staff must ask caller to fax a written request on agency letterhead for student information. Request must include:
  - a. Agency name, agency phone number, and agency fax number
  - b. Requestor name
  - c. Student name
  - d. Purpose of request & records requested
2. Once faxed request is received, office staff must confirm the identity of the requester by calling the agency and verifying that the person works for that specific agency and confirm the agency fax number.
3. Records should be faxed to the agency fax number. Records should never be faxed to a personal fax number. Records should NOT be emailed.
4. Documentation should be filed in the student cumulative file
  - a. Original faxed request, including a parental consent form or court order if this was part of the fax
  - b. Fax confirmation

## REQUEST FOR RECORDS

c. The request should be retained permanently per CFR Title 34 §99.32(a) and GS7, Item 111, Access Log: Student Education Records.

5. An entry should be made in the Access Log in the Student cumulative file per CFR Title 34 §99.32(a) and GS7, Item 111, Access Log: Student Education Records.

**Sarasota County Health Department** - Public Health Nurses and School Board Nurses are considered school officials and thus parental consent is not required to access student records per CFR Title 34 §99.31(a)(1).

### DIRECTORY INFORMATION

Federal and state laws and our School Board policies are in place to ensure the confidentiality of each student educational record. Most information on your child cannot be shared with others without your signed consent. These laws and rules however, do allow school districts to share certain "directory information" without parental consent.

A school may disclose directory information if it has given public notice to parents of students in attendance of:

- what the school has designated as directory information
- a parent's right to refuse to let the school designate any or all of the information about the student as directory information
- the time within which a parent must notify the school in writing that he or she does not want any or all of the information designated as directory information.

Sarasota County School Board Policy, 5.71, defines directory information as:

Name; address; participation in officially recognized activities and sports; weight and height, if an athletic team member; name of the most recent previous school or program attended; dates of attendance at schools in the District, grade level, and diplomas and certifications received.

With the exception of address, directory information may be published routinely by the School Board in conjunction with news releases about school activities, honor roll announcements, athletic events, and other school-related activities.

Our Student Registration Form states the following:

Although student files are confidential, state, law and district policy permit schools to publish directory information (*as defined above*) unless parents request that it not be released.

If you agree to allow your student's directory information to be released, check the "Yes" box. If you do not permit your student's directory information to be released, check the "No" box or otherwise notify your school principal in writing within 30 days of the beginning of the school year. If neither box is checked, the school will be authorized to release directory information about your student.

## REQUEST FOR RECORDS

### GROUP REQUESTS

When receiving a group request do not hesitate to certify the validity of the person or agency making the request. While the legitimate interest question is relatively simple to answer, the directory information issue is complicated by the fact that there is currently no convenient means to determine which students have had such release information denied by some form of block.

A request for school data can be routinely given out to companies which take school pictures or make class rings, or requests from PTA/PTO for lists of students or parents. To comply with FERPA, schools must maintain the request forms. Special requests should be forwarded to Research and Assessment. In all cases the requestor must complete the form and include copies of any materials they will be sending.

### SUBPOENAS

#### **Response to Subpoena**

The school district is responsible for responding to a subpoena or court order. Subpoenas for records must be processed immediately. Failure to provide records within the time required may subject the school district to a penalty for contempt of court. The subpoena takes precedence over other records requests. The following procedures should be used when responding to subpoenas. Contact the Record Retention Supervisor if you have any questions regarding these procedures.

#### **Signing for Subpoena**

Scenario	Subpoena to:	Who Should Sign for Subpoena
1	Sarasota County School Board	Registrar or Administrator
2	Records Custodian Sarasota County School District	
3	Records Custodian Sarasota County School Board	
4	Records Custodian Sarasota County Schools	
5	Records Custodian (Your School Name)	
6	(Your School Name) C/O (Registrar Name)	
7	(Your School Name) (Registrar Name)	
8	(Registrar Name) (Your School Name)	Only the specific Registrar identified
9	(Registrar Name)	
10	(Other Employee Name)	Only the Employee identified
11	(Another School Name)	Redirect process server to correct school

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### **Properly Served Subpoena**

Florida requires that a subpoena be served in person or by mail for misdemeanors. If a subpoena is received by email or by fax, do not comply with the subpoena and immediately send the subpoena via fax to the Record Retention Supervisor. If the subpoena has been properly served, determine whether the subpoena is from a court having jurisdiction in the State of Florida. Subpoenas having Florida jurisdiction include Florida and federal courts in Florida. If the subpoena is not from a court having jurisdiction in the State of Florida, do not comply with the subpoena and immediately send the subpoena via fax to the Record Retention Supervisor, after calling to make them aware it is coming.

### **Location of Records**

If the subpoena is served in person from a court having jurisdiction in the State of Florida, make note of the date and time served on a copy of the subpoena (not the original). Verify that you have the student's records. If you do not have the student's records, use the student information system to locate them. Do not send the processor to another location unless s/he is at the wrong school (For example, the subpoena says Southside, but he is at Alta Vista). Call the location identified and confirm that the records are there. Never send a subpoena to another school without first verifying that the records are there. If you are unable to locate the records, call Record Retention for assistance. After confirming the location, inform the school where the records are held that you are forwarding them a subpoena. Forward it immediately! Keep a copy of the subpoena, with a notation of where you sent it and the date it was sent. You should follow-up with a phone call to verify that they received it.

### **Compliance Date**

If you have the subpoenaed records, check the compliance date on the subpoena. Determine whether you have sufficient time to respond. You will need to send a Notice of Subpoena to the parent or guardian, or to the adult student. Notice of Subpoena procedures require ten days. If you do not have time to comply with the subpoena, contact the requesting attorney's office. Explain that you are unable to respond by the compliance date and ask permission to respond by a later date. Specifically identify the date by which you can respond. If the attorney's office agrees to the new date, follow up the conversation with a confirmation letter to the attorney. Keep a copy of the letter in the student's cumulative folder, with the subpoena. If the attorney's office does not agree with the new compliance date, tell them you must contact Record Retention for assistance. Contact Record Retention.

### **Notice of Subpoena and No Disclosure**

Before complying with a subpoena, a Notice of Subpoena Student Record Form, 053-12-RRC-BUS, must be sent to the student whose records are being requested per 20 U.S.C. 1232g (FERPA, CFR Title 34, Sub Title A, Part 9.31(a)(9)(i)(ii)(A)). The Notice of Subpoena includes a statement of your intention to comply with the subpoena, and the date of compliance. If the student is 18 years or older, the student must be notified of the subpoena and be provided with a copy of the subpoena. If the student is a minor, the parents of the student must be notified of the subpoena and be provided with a copy of the subpoena. When completing the notice, use a compliance date of 10 calendar days from the day you send the notice. The Notice of Subpoena should be sent on the same day you are served. For current students, send a Notice of Subpoena to the student's current address on file. For

## REQUEST FOR RECORDS

former students, contact the student's attorney if on the subpoena, and ask for the student's current address. If unable to obtain a current address, use the last known address on file for the student. The Notice of Subpoena and copy of the subpoena must be mailed as "certified with return receipt requested", ten days prior to the date of compliance. Keep a copy of all of the documents (including the mailing receipt) in the cumulative folder with the subpoena.

**NOTE: The only exception to the Notice of Subpoena requirement is if the subpoena states that the court or issuing agent has ordered that the existence or contents of the subpoena or the information requested NOT be disclosed. In such event, DO NOT send the Notice of Subpoena.** If the subpoena requires no disclosure of or consent for the release of records, then no record is to be kept on the Student Records Access Log. Additionally, a copy of the subpoena is not to be placed in the student's Cumulative Record Folder or any other correspondence regarding the subpoena. The principal should maintain such subpoenas separately in the principal's office with a copy of the records that were provided and copies of all correspondence with regard to the subpoena.

It is not sufficient that the parent, eligible student, or attorney to merely call or write to the school to prevent the release of records. The parent, eligible student, or attorney must obtain a certified copy of a court order preventing the release of records and provide the same to the school.

### **Records Requested**

To comply with the subpoena, first determine exactly which records are being requested. Supply only those records that are requested. Check to see if there are subpoenaed records in another location in your school, such as health files or discipline records. If the subpoenaed records contain information about other students not covered by the subpoena, you may not include their information in your response. Make a copy of the records and redact (white out) the information pertaining to other students. Then make a copy of the copy and send it in response to the subpoena. Never permanently alter the original student record when redacting information on other students. If the subpoena requests health or medical information, be sure the subpoena contains a dated satisfactory assurance of notice pursuant to HIPAA. You may charge for copies made in compliance with a subpoena. The maximum charge is 15 cents per page for copies no larger than 8.5" x 14". An additional 5 cents per page may be charged for two-sided copies. A maximum of \$1.00 per page can be charged for certified copies of a record. Calculate a conservative estimate of copying costs.

### **Delivery of Records**

Check whether the subpoena requires you to appear or whether you can mail the records. If you are required to appear with original records, bring the records and copies of the records to the specified location at the specified time. You may leave the copies with the requesting attorney; however, you must keep the originals. Sometimes the requirement to appear in person with the records is waived if the records can be sent in a timely manner. If you are not required to appear, mail copies of the student's records and a copy of the subpoena to the requesting attorney by the compliance date. Always mail document via "certified with a return receipt requested."



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### **Record Keeping**

Unless the subpoena requires no disclosure of or consent for the release of records, file a copy of the subpoena with the copy of the Notice of Subpoena and any correspondence with the requesting attorney's office in the student's cumulative folder under the Student Record Access Log on the left inside flap. Also, file any return receipts here once received. Note compliance with the subpoena on the Student Record Access Log.

### **“What If” Subpoena Questions**

#### **What If: The notification letter is returned for reason of non-delivery or delivery refused?**

The letter should be placed unopened in the student's cumulative record file with the subpoena for future reference. You should then forward records to the requesting attorney's office by the date of compliance.

#### **What If: The adult student or parent of a minor student objects to the school releasing the records?**

The student/parent should be advised that the records will be produced unless the court enters an order to the contrary.

#### **What If: The subpoena is for an actual deposition or court hearing or trial?**

Attend the deposition, court hearing, or trial as directed with records in hand. Be sure to take the original records and a copy. You may leave the copy of the records with the attorney, but be sure to bring the originals back to the school district. If you are asked questions that you do not know the answer to; respond that you do not know.

#### **What If: There is insufficient time in which to notify the student/parent prior to the date that records are requested in the subpoena?**

The person responding to the subpoena should contact the attorney and advise him or her that FERPA, CFR Title 34, Sub Title A, Part 9.31(a)(9)(i)(ii) requires adult student/parent notification prior to the release of records and request an extension of time to comply with the subpoena. Typically in cases such as this, the attorney will agree to the extended date. If the attorney does not agree; tell him or her that you will need to contact the Record Retention Center for assistance.

#### **What If: The school delays or does not respond to a subpoena for records?**

Delay or not responding to a subpoena can result in a contempt of court charge against the school district. In one such case, another school district was fined \$10,000 because the school was waiting for staff to return back from vacation to process the subpoena.

#### **What If: The student is deceased?**

You will still need to complete a Notice of Subpoena to the parents if an address is available.

## REQUEST FOR RECORDS

### **FEES FOR RECORDS REQUESTS**

Florida Statute 19.07, Inspection and copying of records; photographing public records; fees; exceptions, allows for the following:

The custodian of records may charge the following.

- Up to 15 cents per one sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches.
- No more than an additional 5 cents for each two-sided copy; and
- For all other copies, the actual cost of duplication of the public record.
- An agency may charge up to \$1.00 per copy for a certified copy of a public record.
- If the request requires extensive use of technology resources or extensive clerical or supervisory assistance the agency may charge a special service charge.

## RECORDS SECURITY

### SECURITY OF RECORDS

Florida Statute 1003.25 Procedures for maintenance and transfer of student records-

- Each principal shall maintain a permanent cumulative record for each student enrolled in a public k-12 school. Such record shall be maintained in the form, and contain all data, prescribed by rule by the State Board of Education. The cumulative record is confidential and exempt from the provisions of s. 119.07(1) and is open to inspection only as provided in chapter 1002.
- The procedure for transferring and maintaining records of students who transfer from school to school shall be prescribed by rules of the State Board of Education.
- Procedures relating to the acceptance of transfer work and credit for students shall be prescribed by rule by the State Board of Education.

### STORAGE OF CUMULATIVE RECORDS

- Statute requires that cumulative/student records are located in one area at your site. If the record is not being reviewed it should be in the designated records room. If an employee has a need to review a student record they must follow the district procedures outlined below.
- Stored in a safe and secure environment
  - Vaulted Records Room--The records room should be designed and constructed in such a way as to protect your cumulative records from any human or natural disaster. Some of our older facilities do not have secure areas. Those facilities that have vaulted areas must use them for records storage. These vaulted areas are not warehouse areas, storage areas, nor should they house other departments at your site. The vaulted area was designed specifically for the protection of your student records.
  - The Registrar should be in close proximity to the student records. She or he must see that they are well protected and follow district procedures outlined below.
  - Fireproof Filing Cabinets should be used to store student records. The protection afforded by such storage safeguards the security necessary to comply with State Statute and School Board Policy. This type of storage is mandatory when a vaulted area is not available at your site. If you need information regarding fireproof storage, contact a staff member at the Record Retention Center.
  - Keep records secure when not in use. It is imperative that record cabinets and other storage media are kept under lock and key when not in use. Student records are confidential and must be protected. If the record storage area is manned throughout the day then only during periods when the records are left unattended should you lock your storage cabinets. When employees, students, citizens, etc., are in and out of the area throughout the course of the day, the storage area must be kept locked to guarantee the protection of the records.

## RECORDS SECURITY

**TRACKING OF CUMULATIVE RECORDS** - The following are the approved procedures for removing or transferring a cumulative record.

- Out-cards
  - Out-cards must be filled out and put in place of the folder when removing a cumulative record.
  - Each records room must have out-cards available for personnel to fill out when review or removal of a record occurs. A supply of these out-cards can be ordered from the supply warehouse.
- Student Record Access Form, 030-01-DIS-INS
  - This form must be completed for every cumulative record removed from the security of the records room. The form is placed in the records room on a clip board, correspondence tray, or whatever means your registrar chooses for your school/department. Upon the return of the record to the records room the person accessing the record must complete the return part of the form. The form is then maintained until the retention time has been met.
  - This form can be disposed of at the end of the school year.
  - This form enables the registrar or school official to identify the last person having possession of the record. This process will enable school personnel to recover the record quickly upon request.
- Student Record Access Log, 041-05-RRC-INS

This Access Log: Student Education Records – GS7, Item 111

  - This record series documents individuals accessing a student’s cumulative file, either before or after graduation or withdrawal. The log notes the name of individual who has gained access and under what authority. The log may also indicate the individual’s employer, a law enforcement officer’s badge number, or other elements of identification. Schools are not required to log access to student education records by a school official, the parent, eligible student, a party with written consent from the parent or eligible student, a party seeking directory information, or when disclosure is in response to certain subpoenas, in accordance with 34 CFR 99.32(d), Family Educational Rights and Privacy. The retention is based on 34CFR99.32(a), which requires that: “(1) An educational agency or institution must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. . . (2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.” See also “STUDENT EDUCATION RECORDS: CATEGORY A.”
  - A Student Record Access Log must be maintained inside the internal left hand side of the student cumulative folder, preferably with a removable metal clip. This log must be completed by the registrar for anyone accessing the student record.
  - Any records requests or subpoenas received for the student must also be filed in the student cumulative folder under the Student Record Access Log.

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### TRANSFER OF RECORDS

When records are requested by another school they must be transferred within a reasonable amount of time. All Category A information, Discipline folder, Health record, IEP (if ESE student) and documentation of the staffing into an ESE program should be transferred.

Send the original cumulative record when responding to a request from:

- Regular Sarasota Public School
- Sarasota County Second Chance School
- School Sarasota County Charter School

Send a copy of the record and keep the entire original record when responding to a signed request from:

- Private School in or out of our District
- Public School out of county or state
- If the student does not re-enter the District within five (5) years, the record should then be sent to the Record Retention Center.

If a student has transferred to home school or is hospital homebound, the student's records will remain at the last district school in which they were enrolled. The file will remain there for five (5) years unless they re-enter the system. At the end of the five (5) years, the file should be sent to the Record Retention Center.

If a student enters a private school through John McKay Scholarship or enters Virtual School, the student's record should be sent to the central records location at the Landings to the attention of the School Choice Registrar.

Any records requests received for the student must also be filed in the student cumulative folder under the Student Record Access Log.

Any subpoenas received for the student must also be filed in the student cumulative folder under the Student Record Access Log.

Maintain a list of records you send. You may use a log, card file, or any procedure your cost center implements to record where and when records are being sent. Keep records by fiscal year. Keep records by in-county vs. out-of-county.

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### TRANSFER WITHIN THE DISTRICT

- End of year
  - At the end of the school year, check your files for students who have withdrawn, advanced to Middle or High School, or graduated
  - Review the AS400 319 screen and if the student went on to another Sarasota County District school, the cumulative folder needs to be sent there and NOT to Record Retention.
  - Complete a Transfer and Receipt of Records form, 036-02-RRC-BUS, for each school you need to send folders to and send it to the school with the cumulative folders. If you are sending more than one folder, attach a list of student names for the folders you are sending.
  - Cumulative files should be boxed and hand delivered at the end of the year.
  - When the Transfer and Receipt of Records form, 036-02-RRC-BUS, is returned to you with a signature from the receiving school, file this form for your records.
- During the year
  - Need a Cumulative folder from another school
  - Complete a Request for Cumulative School Records form, 005-90-DIS-INS, and send it to the school that has the file you need.
  - Once you receive the folder, promptly sign and return the Transfer and Receipt of Records form, 036-02-RRC-BUS, to the school that sent you the folder.
  - Another school requests a cumulative folder from your school
  - Review the Request for Cumulative School Records form, 005-90-DIS-INS, sent by the requesting school. Do NOT send a file if you do not have this form.
  - Complete a Transfer and Receipt of Records form, 036-02-RRC-BUS and send it to the school with the cumulative folder.
  - When the Transfer and Receipt of Records form, 036-02-RRC-BUS, is returned to you with a signature from the receiving school, file this form for your records.

### **DELETION OF STUDENT RECORDS**

Student records being transferred to another school or to the Record Retention Center must be purged of certain material. The discipline file and health file must also be included in this transfer. The following times are:

Transfer during school year

Transfer from 5th to 6th grade

Transfer from 8th to 9th grade

Transfer to the Record Retention Center for proper disposition

The following items to be removed from the student records are as follows:

Samples of student work

Notes from home

Test booklets

Field trip authorizations

Hall passes

## **RECORDS SECURITY**

**NOTE:** It is unlawful to remove documents from a student record after receiving a subpoena or a parental request to review the record; whatever is in the record at the time of the request must be provided. It is important that teachers and others consider the sensitivity of items prior to placing them into the student record.

### **STANDARDIZATION OF RECORDS**

In 2004, the School Board of Sarasota County, Florida adopted the present procedure for the standardization of all student records. Every school or learning institution in our District must conform to this standardization.

It is the responsibility of the Records Coordinator and Registrar to see that this standardization is followed. Day to day responsibility for the student records is required.

The Order of Documents in the Cumulative Folder can be found in the Records and Forms Management Manual held by the Records Coordinator at each site.

### **RECORD RETENTION**

Five (5) years after graduation or withdrawal the student record should be transferred to the Record Retention Center. Contact your on-site Records Coordinator or call the Record Retention Center for the appropriate manner in which to transfer your records. Forms for transmittal can be found on SharePoint.

### **CATEGORY A AND B INFORMATION**

Per FAC Rule 6A-1.0955 Education Records:

(2) Information contained in education records shall be classified as follows:

- (a) Category A: Information for each student which shall be kept current while the student is enrolled and retained permanently in the manner prescribed by Section 1001.52(2), F.S.
- (b) Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Section 1001.52(3), F.S.

(3) Content of Category A records. The following information shall be maintained permanently for each student:

- (a) Student's full legal name,
- (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),
- (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, and
- (i) Records of requests for access to and disclosure of personally identifiable information from the

## RECORDS SECURITY

education records of the student as required by FERPA.

Additional requirements of the District:

Record of successful Attainment of 11th grade: Minimum Student Performance Standard

ACT – if in folder

SAT – if in folder

Certificate of immunization

Save Birth Certificate

Save and file original high school diploma if not given to the student or if student did not pick up

Notice of Diploma Option

- (4) Content of Category B records. These 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 Section 1001.42(13), F.S.,
  - (i) Correspondence from community agencies or private professionals,
  - (j) Driver education certificate,
  - (k) List of schools attended,
  - (l) Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records, and
  - (m) 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*.

**Exceptional Student Education (ESE) Information** Retained for 5 years after graduation or withdrawal

- Staffing Checklists
- Staffing Forms
- Individual Education Plans
- Educational Plans
- Family Support Plans
- Parent Invitation to Attend IEP Meetings
- Notice of Re-evaluation
- Formal Notice of Denial into program
- Notice to initiate formal evaluation
- Notice to make a program placement
- Notice to make a program change
- Case histories
- Parent consent for testing
- Evaluation and re-evaluation reports
- Any other records connected with ESE