

POLICY 5.51

5-B I recommend the Board approve the proposed Policy 5.51, to be entitled "Student Directory Information."

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Development

CONSENT ITEM

- This new Policy supplements the existing Policy 5.50, "Student Records." It also incorporates and supersedes Directive 5.05(12).
- The proposed Policy is needed to comply with Fla. Stat. § 1002.22 and (3)(d) (flush-left language following subparagraph (3)13) and recent amendments to the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as amended by the No Child Left Behind Act of 2001.
- The Board can choose to classify any (or none) of the following data categories as student directory information: "the student's name, address, telephone number if it is a listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student." Fla. Stat. § 1002.22(2)(b).
- Currently, Directive 5.05(12)(a) lists "name, birthdate, school address, home address, [listed] telephone number and dates of attendance" as directory information. However, as stated in the Florida Board of Education DPS Memorandum 03-042, "before making any . . . disclosure [of directory information], public notice must be given relating this intent and the type of information to be released, and the district must have a written policy in place establishing such intentions."
- After designating certain statutory categories of information as "directory information" in a Policy, the District will still need to keep those categories confidential unless and until the District also does all of the following:
 - a) gives specific public notice of such categories (at least once annually);
 - b) gives parents a reasonable time to opt out after the notice; and
 - c) "normally" publishes such information "for the purpose of release to the public in general." See FLA. STAT. § 1001.22(3)(c), (d); and SBER 6A-1.0955(6)(j).

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STUDENT DIRECTORY INFORMATION

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3 1. Definition.-- "Student directory information" is generally defined as "information
4 contained in an education record of a student that would not generally be
5 considered harmful or an invasion of privacy if disclosed," 34 C.F.R. § 99.3, and
6 therefore, directory information relating to the student body in general or a portion
7 thereof may be released to the general public if it is normally published for the
8 purpose of release to the public in general, as stated in Fla. Stat. § 1012.22(3)(d),
9 and if all the requirements of the other sections of this Policy have been fulfilled.
10 Examples may include a school yearbook, student-body directory, honor-roll list, or
11 a newsletter article about a students who won an award. These publications are
12 intended for distribution to the general public, as opposed to being compiled for
13 release to a lone individual.

2. Designated Categories of Information

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15 a. The Board designates the following categories of data as student directory
16 information: "the student's name, address, telephone number if it is a listed
17 number, date and place of birth, major field of study, participation in officially
18 recognized activities and sports, weight and height of members of athletic
19 teams, dates of attendance, degrees and awards received, and the most
20 recent previous educational agency or institution attended by the student," as
21 allowed by Fla. Stat. § 1002.22(2)(b).

22 b. Consistent with DOE General Counsel's Opinion 01-19 and the Legislature's
23 declining to enact CS/SB 192 (2001) (which would have made student
24 photographs and e-mail addresses directory information), the District shall not
25 classify student's photographs or e-mail addresses as directory information.
26 Therefore, specific consent shall be required before disclosure of those
27 categories of student information, pursuant to Fla. Stat. § 1002.22(3)(d).

28 3. Annual Notice and Opt-Out Period.-- As required by Fla. Stat. § 1002.22(3)(d),
29 the District "shall give public notice of the categories of information that it has
30 designated as directory information with respect to all students attending the
31 institution and shall allow a reasonable period of time after such notice has been
32 given for a parent or student to inform the institution in writing that any or all of the

33 information designated should not be released."

34 a. Such annual notice shall be provided in the Student and Family Handbook.
35 The notice shall inform parents and students of their right to opt out of any or
36 all categories of directory information about the student by notifying the
37 Principal in writing within 10 days of the annual distribution of the Student and
38 Family Handbook.

39 b. Although Title IV, Part A, § 9528, of the No Child Left Behind Act of 2001
40 requires the District to provide secondary students' names, addresses, and
41 telephone numbers to military recruiters and institutions of higher education
42 upon request, the annual notice shall inform students and parents of their
43 right, under that law, to request that the student's name, address, and
44 telephone listing not be released, without specific prior parental consent, to
45 military recruiters and institutions of higher learning.

46 c. A list of graduating seniors and their addresses will be prepared annually by
47 the Division of Information Technology to be used where logic and reason
48 allow that these be provided. This list is for internal School District purposes
49 only and shall not be considered, treated, or released as either directory
50 information or a public record.

51 **4. Handling Requests for Directory Information.--** Requests for lists of students,
52 their addresses or listed telephone numbers, or other personally identifiable
53 directory information shall be referred to the Superintendent's designee. The
54 Superintendent's designee will serve as the central clearinghouse for screening
55 requests for lists of students, which may be provided only if they have been
56 normally published for the purpose of release to the general public, and only
57 including the information of students who have not opted out. Regarding those
58 who have opted out, the information shall not be released as directory information
59 absent specific student/parent permission on a case-by-case basis.

60 **5. Once a parent, guardian, or student has opted out from release of any particular**
61 **category, that opt-out request shall be honored from that time forward during the**
62 **current school year, unless and until the written request is modified by a contrary**
63 **written request for a specific instance or in general. A student will not be allowed to**
64 **override a parent or guardian's written request (that was submitted while the**
65 **student was a minor) unless the student has reached the age of majority.**

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67 STATUTORY AUTHORITY: §§ 1001.41(2); 1002.22, Fla. Stat.

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69 LAW IMPLEMENTED: §§ 1001.43(6); 1002.22(2)(b), (3)(d), Fla. Stat.; Title IV,
70 Part A, § 9528 of the No Child Left Behind Act of 2001.

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72 HISTORY: _____ / ____ / 03

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.51 and finds it legally sufficient for development by the Board.

Attorney

Date