

The Indian River County District School Board met on Tuesday, October 2, 2012, at 10:06 a.m. The discussion was held in the Teacher Education Center located at the J.A. Thompson Administrative Center, 1990 25th Street, Vero Beach, Florida. School Board Members attending were: Chairman Jeff Pegler, Vice Chairman Carol Johnson, and Board Members: Matthew McCain, Karen Disney-Brombach, and Claudia Jiménez. Dr. Frances J. Adams, Superintendent of Schools, and School Board Attorney Suzanne D'Agresta were also present.

### **Family Educational Rights and Privacy Act**

I. Called Discussion to Order –Chairman Pegler

II Purpose of the Discussion – Dr. Adams

Dr. Adams said that it was very important and timely to bring to the Board information regarding Family Educational Rights and Privacy Act (FERPA), and funding. She said that Mr. Green and Mrs. D'Agresta worked together to bring this information to the Board.

III. Presentation and Board Discussion – Mrs. D'Agresta/Mr. Green

Mr. Green said that this was a hot topic in his Department, Information Services. He said that the goal today was to educate everyone on the language and the law. Mr. Green said that the intent of this federal law was to afford parents' and students' rights to access their children's education records, request records to be amended, and to consent to the disclosure of personally identifiable information from education records, except as provided by law. Mrs. D'Agresta explained that the Florida Statute was eliminated and the federal law was put in its place. She said that in order to receive federal funding, the District must follow the federal regulations. The penalty could be action taken against funding. Mr. Green stated that the purpose was not to sue School Districts but to use it to ensure compliance. Mrs. D'Agresta said that a parent could file declaratory action. If they won, they would be entitled to a refund of their attorney fees.

Mr. Green explained the definition of "Personally Identifiable Information". He explained how reports or information forwarded can be linked back to information containing identifiable information. Mrs. D'Agresta gave an example.

Mr. Green explained the definition of conditions that must exist in order to release information. He stated that there were two conditions: Disclosure without consent and Disclosure with consent. Notification to parents of their rights under FERPA was distributed annually in the Parent Guide. Mr. Green defined without consent and with consent.

In addition to the conditions that must exist, there were recordkeeping requirements (Florida Sunshine laws and retention laws) and written agreements that should be in place to ensure the safe handling and disposal of student

education records by a third party. The written agreements should be clear about roles, responsibilities, and expectations. A list of nineteen very specific areas must be met by the third party. The District was currently working on a final document that would require the third-party's signature. Mrs. D'Agresta stated that even if the third party signed the document, if you know they do not have the security systems in place, you should not give out the information. She said that you could insist upon physically seeing their security system and how it worked.

Mr. Green talked about the security of online student testing with third-party vendors and how their information was stored. There was a discussion on liability of teachers who created their own websites containing information intended for students. It was suggested that along with Board policy, there needed to be action plans in place. Dr. Adams said that on one hand we encouraged teachers to use the system but on the other hand they must be aware of the security issues. Mr. Green stated that if teachers or any employee posts something, it was subject to Florida Sunshine Law. Mrs. D'Agresta stated that as soon as you state, go to that website, you were opening it up to public records law. Mr. Green said that the law was challenging for all School Districts. Dr. Adams said that there was definitely a capacity issue. Mr. Green added that there was definitely a man hours issue as well.

There was a discussion on how the law would affect community organizations who served our students. Examples were given such as the County Health Plan and the SRO Officers. Mr. Green said that IS received about 15 requests per month for information that would be impacted from this law. Unidentifiable, aggregated information could fall outside the requirement but it would have to be considered closely by management. Mr. Green stated that even with parent consent, the organization would need to be in compliance and sign the written agreement. Mrs. D'Albora mentioned that there could be an issue if the organization had volunteer workers that would create another level of security concerns.

Dr. Adams stated that the reason they were bringing this to the Board was because it was coming to the forefront and because they were receiving more and more requests for information. She said that she may need to workshop this issue with community organizations so that they understood the law. Dr. Adams stated that Mrs. D'Agresta enlightened them to the fact that they do not want to continue to put the District at risk. Board Members were given an opportunity to ask questions and make suggestions.

#### IV. ADJOURNMENT –Chairman Pegler

With no further business, the meeting adjourned at approximately 11:01 a.m.