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The 2023 Florida Statutes (including Special Session C)

Title XLVIII

Chapter 1002

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EARLY LEARNING-20

STUDENT AND PARENTAL RIGHTS AND

EDUCATION CODE

EDUCATIONAL CHOICES

1002.22

Education records and reports of K-12 students; rights of parents and students; notification; penalty.—

(1)

DEFINITIONS.—As used in this section, the term:

(a)

“Agency” means any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions as defined in this chapter.

(b)

“Institution” means any public school, center, institution, or other entity that is part of Florida’s education system under s. 1000.04(2), (4), and (5).

(2)

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 annual notice of their rights with respect to education records.

(3)

DUTIES AND RESPONSIBILITIES.—The State Board of Education shall:

(a)

Adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(b)

Monitor the FERPA and notify the Legislature of any significant change to the requirements of the FERPA or other major changes in federal law which may impact this section.

(c)

Advise the Legislature of any change in the FERPA which may create a need for an exemption to the requirements of s. 24(a), Art. I of the State Constitution.

(4)

PENALTY.—If any official or employee of an institution refuses to comply with this section, the aggrieved parent or student has an immediate right to bring an action in circuit court to enforce his or her rights by injunction. Any aggrieved parent or student who receives injunctive relief may be awarded attorney fees and court costs.

(5)

APPLICABILITY TO RECORDS OF DEFUNCT INSTITUTIONS.—This section applies to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

History.—s. 94, ch. 2002-387; s. 4, ch. 2004-356; s. 78, ch. 2004-357; s. 13, ch. 2004-484; s. 2, ch. 2009-239; s. 1, ch. 2014-41; s. 30, ch. 2021-10.

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