

# Policy: Information Privacy



Developmental Research School  
at the University of Florida

Providing educational services and programming requires P.K Yonge to collect, retain, and use information about individual students. We understand the need to safeguard information privacy and restrict access to personally identifiable information (PII). All material in each permanent cumulative educational record shall be confidential, in accordance with the law and this policy.

## **Legal Name of Student**

The name of the student as recorded on the birth certificate or other supporting evidence, as provided by law, will be used on all official records until such time as a final court order verifying a legal change is received. When a parent or guardian or any other person seeks to enroll a student under a name other than the legal name, or seeks to change the name of a student already enrolled, the parent or other person shall be informed of this policy.

## **Student Records**

The school is responsible for the records of all students who attend or have attended the school. The school will only compile records mandated by the State or Federal government and necessary and relevant to the function of the School District. We maintain a permanent cumulative record for each student enrolled containing data as prescribed by State Board of Education Rule F.A.C. 6A-1.0955.

Data includes: Permanent Information

1. Student's full legal name
2. Authenticated birth date, place of birth, race, and sex
3. Last known address of the student
4. Name(s) of the student's parent(s) or guardian(s)
5. Name and location of last school attended
6. Number of days present and absent, date enrolled, date withdrawn
7. Courses taken and record of achievement, such as grades, credits, or certification of competence
8. Date of graduation or date of program completion.

Temporary Information

1. Health information, family background data, standardized test scores, educational and vocational plans, honors and activities, work experience reports, teacher/counselor comments.
2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.
3. Correspondence from community agencies or private professionals.
4. Driver education certificate.
5. A list of schools attended.
6. Written agreements of corrections, or deletions as a result of meetings or hearings to amend educational records.
7. Other records of educational relevance as the school considers necessary.

## **Rights of Parents and Students**

The parent of any student or the student who attends P.K. Yonge has the following rights with respect to any educational records created, maintained, and used by the school. The school presumes that either parent has authority to exercise the rights of a parent under this policy unless

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the school has been provided with evidence that there is a legally binding reason or court order governing such matters as divorce, separation, or custody, which provides to the contrary.

When a student reaches eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student concerning student records maintained by the school, will then be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. P.K. Yonge may, in that instance, disclose personally identifiable information (PII) from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a post-secondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the post-secondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student records maintained by the school shall be retained by the parents.

## A. Right of Access

The parent or student has the right, upon request:

1. To be provided with a list of the types of records and reports, directly related to students, as maintained by the school
2. To be shown any record or report relating to the student that is maintained by the school; when the record or report includes information on more than one (1) student, the parent or student shall be entitled to receive or be informed of only that part of the record which pertains to the student who is the subject of the request
3. Upon a reasonable request, to receive an explanation or interpretation of any record
4. To receive a copy of any list, record, or report for which access is requested

## B. Right of Waiver of Access

The parent or eligible student may waive their right to access or obtain confidential letters or statements of recommendation or evaluation. Such waiver shall be made in writing to the custodian of the records and signed by the parent, guardian, or student. Waivers apply to recommendations or evaluation only if:

1. The parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and
2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended

The waiver of right of access may be revoked in writing with respect to actions occurring after the revocation. The school may not require any student or parent to waive the right of access.

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## C. Right to Challenge and Hearing

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student's school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

1. Any such request may be resolved through informal meetings or discussions between the parent, student, and appropriate school officials. If the parties at such a meeting agree to make corrections or deletions, to expunge material or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing, signed, and dated by the parent or student and appropriate school official. The agreement shall only indicate that the record has been corrected or expunged.
2. If the parties cannot reach an agreement, the parent or eligible student may request a hearing. The request for hearing shall be in writing to the director and shall state with particularity why the challenged information is believed to be inaccurate, misleading, or otherwise in violation of the rights of the student. The parties shall be given reasonable advance notice of the date, time, and place of the hearing. The hearing shall be conducted within a reasonable period of time, but in no case shall be held more than thirty (30) days from the date of the written request. The hearing shall be conducted by a P.K Yonge or University of Florida College of Education administrator who has no direct interest in the outcome of the hearing. The parent or student will have a full and fair opportunity to present evidence on issues raised and may be assisted or represented by an attorney or other individual of his/her choice, at his/her own expense.
3. The decision of the hearing officer will be provided in writing to all parties within ten (10) school days after the conclusion of the hearing. The decision will be based solely on the evidence presented at the hearing, and will include a summary of the evidence and the reasons for the decision.
4. If the decision from the hearing is that the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, officials take actions to implement the decision and will inform parent in writing.
5. If the decision from the hearing is that the challenged information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parent or student may place a statement in the education record to comment on the information in the record and state reasons for disagreeing with the decision. Any explanation placed in the records will be a part of the record as long as the record is maintained and if the challenged portion is disclosed to any party, the explanation must be disclosed also.

## D. Right of Privacy

Every student has a right of privacy with respect to the educational records maintained by the school. Student records are only available to students or their parents, school officials and personnel, other

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persons as the parent or student authorizes in writing, a court of competent jurisdiction, or other individuals or organizations as permitted by law.

## Directory Information

The school designates the following personally identifiable information (PII) as directory information:

1. student's name;
2. parent's/guardian's name
3. address;
4. telephone listing;
5. student electronic mail address;
6. parent's/guardian's electronic mail address
7. photograph;
8. date and place of birth;
9. major field of study;
10. grade level;
11. enrollment status (e.g., undergraduate or graduate, full-time or part-time);
12. dates of attendance;
13. participation in officially recognized activities and sports;
14. weight and height of members of athletic teams;
15. degrees, honors, and awards received;
16. most recent educational agency or institution attended

The school will presume that the telephone number is a listed number unless the parent or student notifies the school in writing that it is unlisted.

Directory information may be disclosed by the director for any purpose in his/her discretion, without consent of a parent or an eligible student.

Parents and students have the right to refuse to permit the designation of any or all of the above items as directory information. A parent or student who chooses to have any or all of the designated directory information not disclosed must file annual written notification at the school's office within thirty (30) calendar days after the beginning of school or within thirty (30) calendar days after admission, whichever is last. If such notification is given, the items of information listed above will not be disclosed except with the consent of a parent or student, or as otherwise provided by law. If such written notification is not given, the school will assume that neither a parent of the student nor the student objects to the release of the designated directory information.

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

(citation: Family Educational Rights and Privacy: Paragraph Citation 76 FR 19729)

Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic

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teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.

Directory information does not include a student's

1. Social security number; or
2. Student identification (ID) number, except as described in the following paragraph.

Directory information includes - (1) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and (2) A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user. (Authority: 20 U.S.C. 1232g(a)(5)(A))

## Release to U.S. Armed Forces Recruiters/Institutions of Higher Education

In accordance with Federal law, the school will release upon request, the names and addresses of students to a recruiting officer for any branch of the United States Armed Forces and to an institution of higher education. Such data shall not be released if the eligible student or student's parent(s) submits a written request not to release such information.

## Use of Student Education Records

### A. School Officials

To carry out their responsibilities, school officials will have access to student PII and education records for legitimate educational purposes. The following personnel in this school are "school officials":

1. Director of the school
2. Instructional and administrative personnel as defined by Florida statutes
3. Persons employed by as temporary substitutes for administrative or instructional personnel
4. Persons employed to perform a special task such as a secretary, clerk, attorney, or auditor

### B. Legitimate Educational Interest

School officials, without consent of parents, guardians, or eligible students have access to a student's record if they have a legitimate educational interest. A "legitimate educational interest" is the person's need to know in order to:

1. perform an administrative or clerical task required in the school official's position description approved by the director
2. perform a supervisory or instructional task directly related to the student's education; or
3. perform a service or benefit for the student or the student's family such as, but not limited to, health care, counseling, student job placement, or student financial aid.

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Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records.

## C. Emergency Disclosure

A school official may make a needed disclosure from student education records in a health or safety emergency if:

1. The official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons
2. The information is necessary to meet the emergency
3. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and
4. Time is an important and limiting factor in dealing with the emergency.

## D. Release with Consent

School officials may release information from a student's education record if the student's parent or the eligible student gives prior written consent for the disclosure.

1. Such consent must be dated and signed by the parent, guardian, or eligible student and shall include:
  - a. specification of the records to be disclosed;
  - b. the purpose of the disclosures; and
  - c. the party or class of parties to whom a disclosure is to be made.
2. Personally identifiable information will be disclosed only on the condition that the receiving party will not disclose the information to any other party without prior written consent of the eligible student or parent, as appropriate.
3. The school shall maintain a record of requests and disclosures of personally identifiable information from education records, except no such record is required when disclosure is:
  - a. to the student or parent;
  - b. based on written consent;
  - c. directory information; or
  - d. to other school officials with a legitimate educational interest.

The record of requests shall contain the name of the party, the purpose for which the party is authorized to use the records, and the date access was given.

## E. Release without Consent

School officials may release personally identifiable records of a student to the following persons or organization without the consent of the parent or eligible student:

1. Officials of schools, school systems, career centers, or public post-secondary educational institutions in which the student seeks or intends to enroll
2. Other school officials, including teachers, who have legitimate educational interests in the information contained in the records

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3. The United State Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United State Department of Education or in applicable State statutes and rules of the State Board of Education
4. Other school officials, in connection with the student's application for or receipt of financial aid
5. Individuals or organizations conducting studies for an institution or board of education to develop, validate, or administer predictive tests or student aid programs, or to improve instruction
6. Accrediting organizations in order to carry out accrediting functions
7. For use as evidence in student expulsion hearings
8. Appropriate parties in connection with an emergency to protect the health or safety of the student or other individuals
9. The Auditor General and the Office of Program Policy Analysis and Government Accountability ("OPPAGA") in connection with their official functions. However, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and OPPAGA is confidential and exempt from F.S. 119.07(1). The personally identifiable data shall be protected in a way that does not permit the identification of students and their parents by anyone other than the Auditor General, OPPAGA, and their staff. The Auditor General's and OPPAGA's offices shall destroy the personally identifiable data when no longer needed for official use.
10. A court of competent jurisdiction or person in compliance with a court order or subpoena, on the condition that the parent or eligible student is notified of the order or subpoena in advance of compliance
11. Credit bureaus in connection with student financial aid agreements
12. Parties to an inter-agency agreement for the purpose of reducing truancy, suspensions, and juvenile crime; improving school safety; and supporting alternative education programs
13. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.

## Security of Education Records

The director and school principals or designees are responsible for the privacy and security of all student records maintained in the school. The director is responsible for the privacy and security of student records that are not under the supervision of a school principal.

The director is authorized to use the microfilm process or electronic reproduction for the recording, filing, maintaining, and preserving of records, as authorized by law.

No liability shall attach to any member, officer, or employee of the P.K. Yonge District/school specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

F.S. 1001.41, 1001.42, 1001.52, 1002.22, 1003.21, 1003.25



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F.A.C. 6A-1.0955, 6A-1.9555 20 U.S.C. Section 1232f through 1232i (FERPA) 20 U.S.C. 7908 26 U.S.C. 152  
20 U.S.C. 1400 et seq., Individuals with Disabilities Act  
Privacy Rights of Parents and Students -P.L. 90-247

## **Providing Information is Your Choice**

There is no legal requirement for you to provide any information to us. However, most of the P.K. Yonge's services and products will not be available to you without the essential relevant information from you.

Special Note: S668.6076, F.S. requires the P.K. Yonge to post the following notice:  
Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to the school. Instead, contact the specific office or individual by phone or in writing.

## **Our Commitment to Data Security**

P.K. Yonge is dedicated to preventing unauthorized information access, maintaining information accuracy, and ensuring the appropriate use of information. We strive to put in place appropriate physical, electronic, and managerial safeguards to secure the information we collect in all formats: on paper, electronically, and verbally. These security practices are consistent with the policies of the university and with the laws and regulatory practices of the State of Florida and multiple federal agencies.

## **How to Contact Us**

Should you have other questions or concerns about these privacy policies and practices, please call us at 352.392.1554, send a letter to: P.K. Yonge Developmental Research School, 1080, S.W. 11th St, Gainesville, FL 32601, or contact the Principal at 352.392.1554.

If you wish to review or change information about you that you provided to P.K. Yonge but you do not know how, the school will assist in locating the persons responsible for that area so that you may make your request directly to them.