

POLICY ON PROTECTION OF STUDENT INFORMATION

Adopted and Effective: September 23, 2025

This is the Policy on Protection of Student Information of Burns Science and Technology Charter School, Inc. (the "School"). This policy is implemented to comply with the requirements of Rules 6A-1.0955(9) and 6A-1.09550 Florida Administrative Code, the Family Educational Rights and Privacy Act ("FERPA"), the Children's Online Privacy Protection Act ("COPPA") and other applicable laws.

1. Definitions.

- a. "Applicable Laws" means FERPA, COPPA, 15 U.S.C. §§ 6501-6506, Section 1002.22, applicable Florida Statutes, and all applicable implementing regulations.
- b. "Education records" means records that are directly related to a student and that are maintained by the School as defined in 20 U.S.C. s. 1232g(a)(4).
- c. "Eligible student" means a student who has reached eighteen (18) years of age.
- d. "Institution" means any public school, center, or other entity that is part of Florida's education system under Sections 1000.04(2), (4), and (5), F.S.
- e. "Online educational service" means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online services that students or parents may use in their personal capacity nor to online services that the School may use to which students or parents do not have access, such as a student information system.
- f. "Parent" includes parents or guardians of students who are, or have been, in attendance at the School.
- g. "Personally identifiable information" or "PII" means information that can be used to distinguish or trace a student's identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to direct identifiers (such as a student's or other family member's name), indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), and other personal identifiers (such as a student's social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

- h. "Student" means any individual who is or has been in attendance at the School and regarding whom the School maintains education records.
- i. "Third-party vendor" or "Third-party service provider" means any entity, whether public or private, that provides services to the School through a contract or agreement. The term does not include the Florida Department of Education, the Department's contractors and subcontractors, or School Boards and School Districts.
- j. "Therapeutic treatment plan" means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.
- k. "Therapy progress notes" means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.

ARTICLE I. EDUCATION RECORDS

2. Records Classification. Information contained in education records must be classified and retained as provided in Appendix A.

3. Record Storage. Category A records are stored [Insert]. Category B records are stored [insert]. The Principal is responsible for all records.

4. Consent for Disclosure. The School may disclose PII without consent only as permitted by law, including to school officials with legitimate educational interests, to another school or school system in which the student seeks or intends to enroll, to state and federal education authorities for audit or evaluation, in connection with financial aid, pursuant to a judicial order or lawfully issued subpoena with required notice, to appropriate parties in a health and safety emergency, to organizations conducting certain studies, to accrediting organizations, and to the juvenile justice system as authorized by state law. Prior to any nonconsensual disclosure, the record custodian will verify the legal basis and document the rationale. A consent form is attached hereto as Exhibit C.

5. Directory Information. The School may designate certain categories of information as directory information, for example student name, grade level, participation in officially recognized activities and sports, height and weight of athletes, honors and awards, and photograph. Prior to disclosure of directory information, the School will publish the categories designated and provide a reasonable period for parents or eligible students to opt out of disclosure. Directory information will not be disclosed if an opt-out is on file, if the disclosure would be harmful or an unwarranted invasion of privacy, or if prohibited by law or court order.

6. Record Challenges. Parents or eligible students may request amendment of information they believe is inaccurate, misleading, or a violation of privacy. The Principal or records custodian will decide the request within a reasonable time and, if denied, will inform the requester of the right to a hearing. The School will provide a prompt hearing before an official who

does not have a direct interest in the outcome. The requester may present evidence and be represented. If the decision after the hearing is to deny the requested amendment, the parent or eligible student may place a written statement of disagreement in the education record, which will be maintained with the contested record and disclosed with it.

7. Record Retention. The School shall retain records in accordance with the General Records Schedule for Educational Agencies as provided in Appendix B.

8. Waiver. Parents may choose to waive access to confidential letters and statements; however, Parents may not be required to make such waiver pursuant to FERPA and §1002.22(2) F.S.

9. Cost of Copies. If copies of records are requested, the School may impose the following fees:

- 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.

10. Inspection of Records. Upon request, Parents and Guardians shall be permitted to inspect the Education Records, as such records are defined herein. Parents and Guardians wishing to inspect the Education Records of their child must make a written request to the School Principal. The School Principal shall respond to such request within a reasonable amount of time, but in no case more than 30 calendar days after the receipt of the request. The School will maintain with each student's record a log of requests for access and disclosures of PII, whether granted or denied, except for disclosures to the parent or eligible student, disclosures of directory information, and disclosures to school officials with legitimate educational interests. The log will include the date, the party requesting or receiving the information, the purpose, the records disclosed, and the legal authority or consent used.

11. Maintenance, Security, and Retention of Records.

- **Custodianship.** The Principal, or designee, is the custodian for school-level records. The superintendent, or designee, is the custodian for School-level records not maintained by a principal.
- **Inventory of Records.** The School will maintain a current list of the types and locations of education records and the titles and addresses of officials responsible for those records. See Appendix A.
- **Security Controls.** The School will implement administrative, technical, and physical safeguards appropriate to the sensitivity of the records, including access controls, unique user IDs, least-privilege authorization, password standards,

encryption in transit and at rest where feasible, secure printing, locked storage, device management, and secure destruction.

- **Data Classification and Handling.** Records will be classified by sensitivity. PII is confidential and requires heightened protection, restricted transmission, and secure storage.
- **Retention and Purging.** Records will be retained in accordance with state records schedules. Information that is inaccurate, misleading, or no longer useful will be reviewed periodically and eliminated consistent with law and the applicable retention schedule. See Appendix B for retention references.
- **Physical Records.** Paper records must be stored in locked rooms or cabinets with controlled access. Keys must be inventoried.
- **Electronic Systems.** Student information systems will maintain audit logs, timeouts, and session controls. Portable media use must be minimized, encrypted, and tracked.
- **Party Systems.** Vendors that process or store education records must sign written agreements requiring compliance with this policy and applicable law, including breach notification, data minimization, use limitations, and secure return or destruction at contract end.
- **Technology and Communication Safeguards.** Emailing PII must be minimized. When necessary, School-approved secure methods must be used, including encryption and secure file transfer. Staff may not store PII on personal devices, at home, or in vehicles. School-issued devices must have device encryption enabled, up-to-date security patches, and remote wipe capability. Use of cloud services for education records requires prior approval and a vetted data-sharing agreement. Paper and electronic records must be disposed of securely using cross-cut shredding or certified media destruction.

12. Threat Management. All reports of concerning behavior, concerning communications, or threats documented using the Florida Harm Prevention and Threat Management Instrument prescribed by Rule 6A-1.0019, F.A.C., are Category A records and must be permanently maintained in the Florida School Safety and Threat Management Portal. Threat management records include all corresponding documentation and any additional information required by the Florida Model for Harm Prevention and Threat Management related to the reporting, evaluation, intervention, and management of threat assessment evaluations and intervention services.

13. Notice. Annually, the School shall provide parents and guardians with a notice describing their rights as defined in Section 1002.22(2), F.S., and FERPA. Such notice shall be translated on request. A sample notice is attached hereto as Appendix D.

ARTICLE II. ONLINE INFORMATION

14. Personally Identifiable Information. This policy is intended to protect the personally identifiable information ("PII") of students when students are required to use online educational services, including to provide protections against potential misuse of PII, data mining, or targeting for marketing and other commercial purposes.

15. Review of Online Educational Services. All online educational services that students or their parents are required to use as part of school activities must be reviewed and approved as described herein, regardless of whether the online educational service is free, whether use of the online educational service is unique to specific classes and courses, or whether there is a written agreement governing student use. The Principal or their designee must review each online educational service's terms of service and privacy policy to ensure compliance with state and federal privacy laws, including the Applicable Laws, and the requirements set forth in this policy. The Principal or designee must determine whether the online educational service provider will collect PII, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any. Under no circumstances may an online educational service be used if such a service will share or sell student PII for commercial purposes, including but not limited to targeted advertising, without providing parents a means to either consent or disapprove.

16. Approval of Online Educational Service. If a teacher or other employee at the School intends to utilize an online educational service as part of a school activity, they must first submit a request to the Principal or their designee for review and approval. No online educational service may be utilized for any school activity unless it has been reviewed and approved. Following the review described above, the Principal or their designee must approve or deny the use of the online educational service. The Principal or designee reserves the right to deny the use of any online educational service for any reason, including if the online educational service is determined to have policies or practices that could lead to the misuse of student PII or violate the Applicable Laws. The Principal or designee may also approve the use of an online educational service subject to parental consent, as described in more detail below. The Principal or designee will maintain documentation related to the approval or denial of all online educational services. Nothing herein is intended to supersede the authority of the Governing Board to approve the use of an online educational service to the extent such approval is required by any other policy of the School.

17. Contracts and Agreements. All contracts or agreements executed by or on behalf of the School with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. Any agreement that provides for the disclosure or use of student PII must:

- a. Require compliance with FERPA, its implementing regulations, and Section 1002.22, F.S.

b. Where applicable, require compliance with COPPA, 15 U.S.C. ss. 6501-6506, and its implementing regulations.

c. Where applicable, require vendors to ensure compliance with the Student Online Personal Information Protection Act, Section 1006.1494, F.S.

d. Ensure that only the PII necessary for the service being provided will be disclosed to the third party; and

e. Prohibit disclosure or re-disclosure of student PII unless the disclosure is authorized by FERPA; The disclosure is authorized by the school's directory information policy; The disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the PII would be disclosed to, how it would be used, and whether re-disclosure is permitted.

18. Parental Notification and Consent. Parents must be notified in writing if student PII will be collected by an online educational service, including what PII will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any. This notification should be sent to parents at the beginning of the school year, or prior to students utilizing the online educational service if it is implemented after the start of the school year. If during the review process or at any time thereafter it is determined that an online educational service will share or sell student PII for commercial purposes, school personnel shall be strictly prohibited from allowing students to utilize the online educational service in any school activity without having first obtained written parental consent.

19. Notification. For any online educational service that a student is required to use, the School will provide notice on its website of PII information that may be collected, how it will be used, when it will be destroyed, and the terms of re-disclosure, if any. This notice will also include a link to the online educational service's terms of service and privacy policy, if publicly available. For online educational services that students and parents are referred to as part of a school activity or function, but are not required to use the School must provide notice to parents and eligible students if such online services have not been reviewed and approved in accordance

Board Secretary Certificate

I hereby certify that the foregoing Policy on Protection of Student Information was adopted by a majority vote of a quorum of the Governing Board of Directors at a duly noticed meeting held on 09/23/2025.



Board Secretary

Richard Paczlowsh

Printed Name

APPENDIX A.

Category A: Information for each student which must be kept current while the student is enrolled and retained permanently in the manner prescribed by Section 1001.52(2), F.S.

The following information must be maintained for Category A student records:

- (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 education records of the student as required by FERPA, and
- (j) Threat management records).

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.

The following information must be maintained for Category B student records:

- (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) Discipline records,
- (j) School Environmental Safety Incident Reports (SESIR) collected under Section 1006.07(9), F.S.,
- (k) Academic and behavioral intervention services,
- (l) Psychological evaluations,
- (m) Therapeutic treatment plans and therapy progress notes,
- (n) Correspondence from community agencies or private professionals,
- (o) Driver education certificate,
- (p) List of schools attended,

- (q) Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records, and
- (r) 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*.

APPENDIX B.

Please find a link for the appropriate record retention schedule [here](#).

APPENDIX C.

**CONSENT TO RELEASE STUDENT INFORMATION
UNDER PROVISIONS OF FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
(FERPA)**

I, _____, hereby authorize [LEGAL ENTITY] (the "School"), as well as their employees and representatives to release the School's records of my [son/daughter], ____ (Student Name) ____, to [ENTER HERE].

The records that may be disclosed shall be limited [DESCRIBE RECORDS]. I also authorize the release of any such information that may be classified as student health records protected under HIPAA Privacy Rule.

Parent/Legal Guardian Signature: _____ Date: _____

STATE OF FLORIDA

COUNTY OF [INSERT]

Sworn to or affirmed and subscribed before me this _____ day of _____, 2025 by _____, who is personal known to me or provided the following identification:
_____.

Notary Public

Commission No:

APPENDIX D.

USDOE Model Notification of Rights under FERPA for Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service

or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. The school will make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the

FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already

enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))

- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))