

Legally Speaking

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Vision

100% Student Success

Mission

Educate and prepare each student for college, career and life.

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Bridging the Gap Plan

By David Koperski, School Board Attorney

Like other very large school districts in the country, our district has historically faced gaps in student achievement and other areas among students of various races. To address these gaps, our district has formally adopted and implements a detailed plan with specific goals and actions – the Bridging the Gap Plan, or BTG Plan for short. Due to the nomenclature used in the settlement of our federal desegregation case, our BTG Plan speaks to gaps between black and non-black students.

In 2013, the district began exploring a formal plan to attempt to close various gaps in our district, and the BTG Plan was born. Several years ago, the BTG Plan's goals were codified in the District Strategic Plan as part of its overarching equity goal. Throughout the years, the BTG Plan has been revised to strengthen its contents as the district recognized the need for additional or replacement strategies. Each year, the BTG Plan is republished with updated contents. As it is now constituted, the BTG Plan contains the following



Legal Department Mission Statement

The mission of the School Board Attorney and Staff Attorney Offices is to provide the highest quality legal services to the Pinellas County School Board, the Superintendent and the District by ensuring timely and accurate legal advice and effective representation on all legal matters.

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FAQ's - Public and Student Records

By Laurie Dart, Staff Attorney

There are several past articles in Legally Speaking on the general topic of "records," both public records and student records, including exemptions to public records the most common of which are education records, as well as how and when these documents must be produced. Because the topic comes up on a daily basis, this article will summarize some of the frequent questions and scenarios faced by schools and departments.

Q. What is a "public record?"

A. The statutory definition is very broad. It states: "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings,

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The Bridging the Gap Plan

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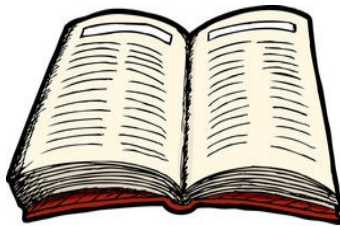
six goals:

1. Eliminate the gap between the graduation rates for black and non-black students.
2. Eliminate the gap between the proficiency rates in reading and math on state and national assessments for black and non-black students.
3. Eliminate the gap in advanced and accelerated participation and performance rates for black and non-black students.
4. Reduce the total number of disciplinary referrals and suspensions for black students and decrease the disparity in referrals and suspensions for black students to reach a level that is representative of the black student population.
5. Reduce the disparity of black students being found eligible for Exceptional Student Education in general, and Emotional/Behavioral Disability in particular.
6. Increase the number of black teachers and administrators to closely mirror the student enrollment by ethnicity.

Each goal contains numerous actions steps delineating exactly what strategies are being employed to reach the goal. In all, 117 action steps are included in the current BTG Plan. Further, each goal has a dedicated goal manager who is responsible for the implementation of the actions

steps, as well as a review of relevant data to determine whether strategies need to be revised. The goal managers regularly meet with district leadership, including Dr. Lewis Brinson, the district's Minority Achievement Officer, to review the strategies' effectiveness, as well as the work of the goal manager and his/her team.

The action steps, as well as the goals themselves, are measured by data points identified in the BTG Plan. The data are collected and reviewed at relevant times during the year. For example, ultimate graduation rates are measured only once a year for obvious reasons, but proficiency on cycle assessments (which is relevant to and predictive of graduation rates) is measured more frequently.



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While the BTG Plan has been a critical district initiative since its genesis in 2013, the BTG Plan took on added legal significance about two years ago. In a settlement mediation with the class representative of the court-recognized class of African-American students and families, the parties discussed the best way to memorialize their agreements. They ultimately decided to use the BTG Plan, and made revisions and enhancements to it until they were satisfied that it addressed the issues raised in the legal proceeding. Part of the mediated settlement required the

district to provide periodic data reports, in formats agreed upon by the parties, to the class representative and to provide semi-annual public presentations of the data and experiences with the BTG Plan strategies.

At the time of settlement, the parties also agreed to add a timeline to the BTG Plan – specifically, the parties agreed to the “goal of eliminating or greatly narrowing the achievement gap within 10 years.” With the close of the 2018-19 school year, two years of the 10-year period will have expired. The existing data show that all but one of the goals have shown improvement, but data from the entire 2018-19 school year will not be known for some goals until the late summer, and the district is expecting improvement in all goals.

From a practical perspective, if you are a school-based employee, you have already been exposed to certain BTG Plan strategies, even if you did not know that they were related to the Plan. For example, restorative practices trainings and presentations are one of the many strategies listed in the BTG Plan. Other examples include the “Plan B” initiative to increase gifted eligibility, in-school and no-charge provision of ACT, SAT, and PERT assessments to certain high school students, enhanced community-based extended learning opportunities, and increased parent outreach. As noted above, the BTG Plan contains 117 action steps, and these examples are just a few of those.

A copy of the BTG Plan and related documents can be viewed on the district's website at www.pcsb.org/BTG. ■

“The District and School Board aspire to lead the state and nation in closing the achievement gap and are dedicating all the necessary resources and innovative solutions to meet the aspirational targets outlined in this plan.”

–The Bridging the Gap Plan

FAQ's—Public and Student Records*(Continued from page 1)*

data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received . . . in connection with the transaction of official business. Section 119.011(12), Florida Statutes. The Florida Supreme Court summarized the definition as “all materials made or received in connection with official business which are used to perpetuate, communicate, or formalize knowledge.” *Shevin v. Byron*, 379 So.2d 633 (Fla. 1980).

Q. Are there exemptions from this broad definition?

A. Yes, there are many exemptions. Common examples of records exempt from the Public Records Act include: education records, safety and security records, recent performance evaluations, certain juvenile justice and child protection documents, preliminary investigative documents in personnel files, active criminal investigative materials, social security numbers, certain medical information, risk management information, and certain competitive bidding information to name a few. When in doubt whether an exemption applies, contact the Legal Department.

Q. Can a person anonymously request records over the phone?

A. Yes, we are required to “permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions....” This means that we cannot ask for a name, require that they put their request in writing or make the request in person. If a person comes to the front desk of a site to make a public records request, they can-

not be forced to show ID or be run through background screening. We cannot ask why they are making the request nor can we legally request that a public records request be made to a certain office.

Q. I thought the Legal Department or the Office of Strategic Communications was responsible for public records requests?

A. If the person is requesting something readily available and easy to provide, and no exemption questions exist, you may simply give them a copy. For example, if someone asks for a copy of the school improvement plan, a contract or school brochure, the documents can simply be provided. The Legal Department will process all other non-media public records requests. The Office of Strategic Communications handles requests from the media. So, if the request does not involve a record that is readily available or there is a question as to whether a document needs to be redacted, feel free to call the Legal Department for guidance and assistance.

Q. Can the District charge for the time and cost to produce public records?

A. Yes, the statute and School Board Policy 8310 allow the district to charge up to fifteen cents per one sided copy. The District may also charge a reasonable fee if an extensive amount of time is necessary to comply with the request. Policy 8310 states that an “extensive” amount of time means that it will take more than 15 minutes to identify, locate, compile, review, copy, and re-file the requested records. This service charge is computed to the nearest quarter hour exceeding 15 minutes based on the current rate of pay of the lowest-paid District employee(s) who can competently perform the services.

Q. A person requested a copy of a video from the school cafeteria. Do we provide this?

A. No. The surveillance video is confidential and exempt as part of the District’s security system plan, which is an exemption under the Public Records Act. The video would be released only in response to a subpoena or court order.

Q. What if a parent who is not listed on the “clinic card” asks for copies of their student’s grades and attendance records?

A. A student’s grades and attendance records are examples of “education records” and are exempt from the Public Records Act. They are governed by the federal Family Educational Rights and Privacy Act (FERPA). Under FERPA, a parent is entitled to inspect the education records of their student *unless* there is a court order specifically preventing them from having access to such records. We only need to confirm that the person is in fact the parent through a birth certificate or other court document. It does not matter whether they are listed on the clinic card.

Q. We received a letter from a person with a court order stating that she has been appointed a guardian ad litem. She asked for copies of a student’s grades, attendance and discipline records as well as any e-mails, correspondence and documents by and between teachers, staff and the parents and family pertaining to the student. Do we provide the information?

A. Under FERPA, education records are confidential and exempt from disclosure unless an exception applies authorizing the school to release records. While one of the exceptions relates to a court order or subpoena, a court

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FAQ's -Public and Student Records

order appointing a guardian ad litem does not automatically mean that the guardian ad litem is entitled to education records. The court order must authorize release of education records.

Q. Our school was served with a subpoena to appear at a law office with a variety of education records of one of our students.

A. A subpoena duces tecum requires the production of documents requested. Under Florida law it may be served by mail, but subpoenas only requiring attendance for a deposition or hearing can have other rules. Under FERPA, the parent of the student must be notified in writing that the school has been served with a subpoena seeking education records and that the documents will be produced in compliance with the subpoena.

These are some of the common questions. If you have questions about public records, education records or requests to produce records, please feel free to contact the Legal Department at 588-6219.■



Reminders regarding student speech

- Determination of who may speak at a school event must be based on neutral criteria.
- A disclaimer must be delivered (either orally or in writing) at any event where a student will speak stating “The content of any student’s speech at this event does not reflect the endorsement, sponsorship, position, or expression of this school or the school district”.
- Student speech may not be disrupted or limited because it contains a religious viewpoint.
- Students shall be disrupted if they use obscene, vulgar, offensively lewd or indecent speech as well as speech that advocates illegal drug use.

*The School Board Attorney
and Staff Attorney Offices
would like to wish you and
your family a safe and
happy Summer!*

