

6A-1.0955 Education Records.

(1) through (5) No change.

(6) Threat ~~management assessments~~. 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.,

~~(a) Transient or Substantive Threats. Threat assessments determined to be transient or substantive, as defined in Rule 6A-1.0018, F.A.C., are Category B records and shall be maintained in a student's file as long as determined useful by a threat management assessment team, pursuant to Section 1006.07(7), F.S., and Rule 6A-1.0019~~ 6A-1.0018, F.A.C. These records include all corresponding documentation and any additional information required by the Florida Model for threat management related to the reporting, evaluation, intervention, and management of threat assessment evaluations and intervention services.

~~(b) Non Threats. In order to protect students from stigma and unintended consequences, reported threats which are determined by a threat assessment team not to be a threat at all, meaning the threat does not rise to the level of transient or substantive, may be maintained by the threat assessment team, but must not be maintained in a student's file, unless one of the following conditions are met:~~

~~1. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student's file; or~~

~~2. The threat assessment team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student.~~

~~a. Such determination and reasoning for maintaining the record must be documented with the non-threat finding.~~

~~b. Where such a determination is made, the threat assessment team must re-evaluate the decision on an annual basis to determine if the record is no longer useful. The student's age and length of time since the original assessment must be considered in those evaluations.~~

(7) through (8) No change.

(9) Procedures for transfer of education records.

(a) The transfer of records must be made immediately upon written request of an eligible student, a parent or a receiving school. The principal or designee must transfer a copy of all Category A and Category B information and must retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in Section 1010.305, F.S., must be maintained in the district for the time period indicated in Rule 6A-

1.0453, F.A.C.

(b) The transfer of education records must not be delayed for nonpayment of a fee or fine assessed by the school.

(c) The transfer of records of students who transfer from school to school must occur within five (5) school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. Pursuant to Section 1003.25, F.S., ~~s~~Student records must contain verified reports of serious or recurrent behavior patterns, including all documentation and related information for reports of concerning behavior, concerning communication, or threats that are documented using any portion of the Florida Harm Prevention and Threat Management Instrument, substantive and transient threat assessments and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff. All reports of concerning behavior, concerning communication, or threats must be transferred, regardless of the outcome or level of concern. Non-threats as described in subsection (6) must not be transferred with a student's educational record unless one of the conditions described in subparagraphs (6)(b)1. and 2. are met.

(10) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1002.22(3), 1003.25(2), 1008.405 FS. Law Implemented 1001.42(8)(c), 1001.52(2), (3), 1002.22(2), (3), 1002.221, 1003.25, 1008.405 FS. History—New 4-11-70, Repromulgated 12-5-74, Revised 6-1-75, Amended 10-7-75, 2-21-77, 3-1-78, 5-24-81, Formerly 6A-1.955, Amended 6-17-87, 1-2-95, 10-25-10, 5-5-20, 11-22-22, 8-22-23, 11-21-23.