



Public Records Requests Guidelines



Revised May 2023



OFFICE OF COMMUNICATIONS
MIAMI-DADE COUNTY PUBLIC SCHOOLS

The School Board of Miami-Dade County, Florida

Ms. Mari Tere Rojas, Chair

Mr. Danny Espino, Vice Chair

Mr. Roberto J. Alonso

Ms. Lucia Baez-Geller

Dr. Dorothy Bendross-Mindingall

Ms. Mary Blanco

Ms. Monica Colucci

Dr. Steve Gallon III

Ms. Luisa Santos

Ms. Andrea Pita Mendez

Student Advisor

Dr. Jose L. Dotres

Superintendent of Schools

Ms. Vivian M. Santiesteban-Pardo

Chief Communications Officer

Office of Communications

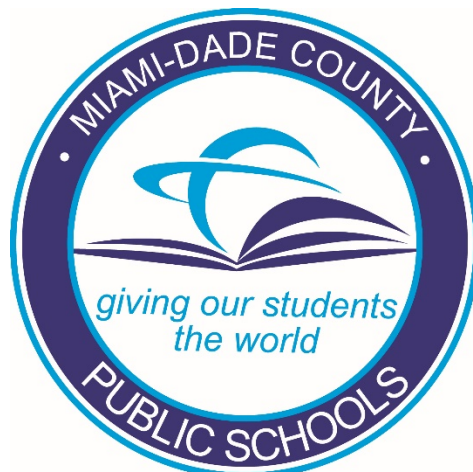


TABLE OF CONTENTS

Introduction to Public Records	1
The Role of the Office of Communications	3
Quick Start Guide	4
Frequently Asked Questions	7
Cost Estimates	10
Definitions	12
Contact Information	13

Introduction to Public Records Requests (PRRs)

The intent of the PRR guidelines is to describe the process employed by the Office of Communications to ensure timely and appropriate responses to all public records requests. These guidelines are also intended to assist the responding party in managing the PRRs and provides an overview of the process for assigning, tracking, and managing PRRs, including contacts and resources, as well as frequently asked questions.

It is the policy of the State of Florida that all state, county, and municipal records shall be open for inspection by any person. It is important to remember that Miami-Dade County Public Schools (M-DCPS), as a government agency, **MUST** provide records in accordance with Florida's Public Records Act, [Chapter 119, Florida Statutes](#). We must also ensure that the records are maintained and prepared following School Board policy, state, and federal law (please refer to the following School Board Policies).

[8310 – PUBLIC RECORDS](#)
[8320 – RECORDS MANAGEMENT](#)
[8330 – STUDENT RECORDS](#)

The Public Records Act sets forth the legal requirements with which we must comply. To ensure transparency, the State Constitution guarantees the public the right to access records of all Florida's public agencies.

The District's Records & Forms Management office oversees the retention and disposition of public records according to the standards established by the Florida Department of State, Division of Library and Information Services [1] (State) for controlling, retaining, destroying, and preserving public records. Florida's records and information management program is authorized pursuant to § [257.36, Florida Statutes](#), and applies to public records as defined in § [119.011, Florida Statutes](#). Further, School Board Policy [8320](#), Records Management, guides the District's implementation of its records management procedures and compliance with the State's mandated retention schedules.

Student records are confidential and exempt from public disclosure pursuant to the Family Educational Rights and Privacy Act (FERPA). (Sections 1002.22, 1002.221 and 1002.222, Florida Statutes and 20 USC § 1232g, 34 C.F.R. Part 99). Section 1002.22 provides, in relevant part that: "The rights of parents and eligible students 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."

Requests for student records must be routed to the school principal. Principals should process requests in accordance with School Board Policy 8330 and the Student Educational Records Manual. Please contact the Division of Student Services for general questions related to School Board Policy 8330, and the Federal and State Compliance Office for processing requests involving former students. For specific legal guidance related to student records requests, public records requests or legal issues relative to a PRR, please contact the Office of General Counsel at 305-995-1304.

DISCLAIMER: The purpose of this document is to provide information concerning the Office of Communications' process for responding to Public Records Requests. IT IS NOT MEANT TO CONVEY ANY LEGAL OPINION, ADVICE, OR INTERPRETATION OF THE LAW. Please contact the Office of General Counsel at 305-995-1304 with any legal related questions.

The Role of the Office of Communications

The Office of Communications is responsible for handling public records requests through the Citizen Information Center (CIC), which serves as the central point for processing all public records requests (PRR). This not only makes it easy for members of the public, it also helps administrators, since the staff of the OOC has specialized knowledge in the processing of these requests and will initiate all contact with the requestor.

PROCESSING OF PUBLIC RECORDS REQUESTS

The OOC has established the following step-by-step procedures for processing PRR:

- Acknowledge receipt of the request to the requestor within 24 business hours of receipt.
- Assign a tracking number to all PRR received by any District entity.
- Assign PRR to the appropriate custodian of record(s) via the postal-based PRR system.
- Contact the requestor with estimated costs, if applicable.
- Collect payment, if applicable.
- Receive requested records from the custodian(s).
- Coordinate redaction of records, as applicable, by the custodian of the record.
- Review records to verify that appropriate redactions allowed by law have been made by the custodian(s) and to ensure the records are responsive to request.
- Provide records to requestor.
- Close assignment on the electronic PRR system.

Quick Start Guide

This Quick Start Guide assists in understanding the procedures for processing the PRRs.

1. When a request for public information or for a record in any format such as documents, electronic information, video, etc., is received, it should be forwarded immediately to the Citizen Information Center (CIC) at pr@dadeschools.net

If the recipient is NOT the custodian of the record(s), CIC staff should be notified. However, if the recipient is the custodian of the requested record(s), staff at CIC will assign it to the Cabinet Member to whom the recipient's office reports via the PRR system. The Cabinet Member/designee will then assign the request to the appropriate chain of command.

It should be noted that the original request may be verbal or written and may be made anonymously. If a verbal request is made, details about the date, time, specific records requested, and the name of the requestor, if known, will be documented.

2. Pursuant to School Board Policy 8310 – PUBLIC RECORDS, Miami-Dade County Public Schools is entitled to charge a fee for copies and a special service charge for extensive use of clerical, supervisory resources or supervisory labor, or for extensive information technology resources as permitted by State law, Section 119.07(4)(d), Florida Statutes. The cost estimate form attached to the assignment on the PRR system should be completed if it will take more than 15 minutes to gather, copy and redact the records.

If a cost estimate form is applicable, the form should be completed and uploaded in no less than five (5) business days. Cost estimate forms that are completed must be uploaded to the PRR system and the assignment status changed to "Payment Requested."

Records should NOT be prepared until notified by staff at CIC that payment has been received.

- 3.** Upon notification that payment has been received, or if payment was not required, records should be prepared; confidential and exempt information should be redacted as allowed by State law, and the responsive records should be uploaded to the PRR system. At this point, assignment status should be changed to “Completed.”

Redaction is the process of removing exempt information from public records provided in response to a PRR. In some cases, an entire record is excluded. If only portions of a record are confidential and exempt, then that information is “deleted” from the document. This is usually done electronically or by physically **blinking** out the information. If there are several student names are contained within a record, the student names require redaction. If redaction is made electronically, the staff member performing the redaction should ensure that the exempt information is truly and permanently removed and that the redacted document cannot be electronically manipulated to reveal the redacted information.

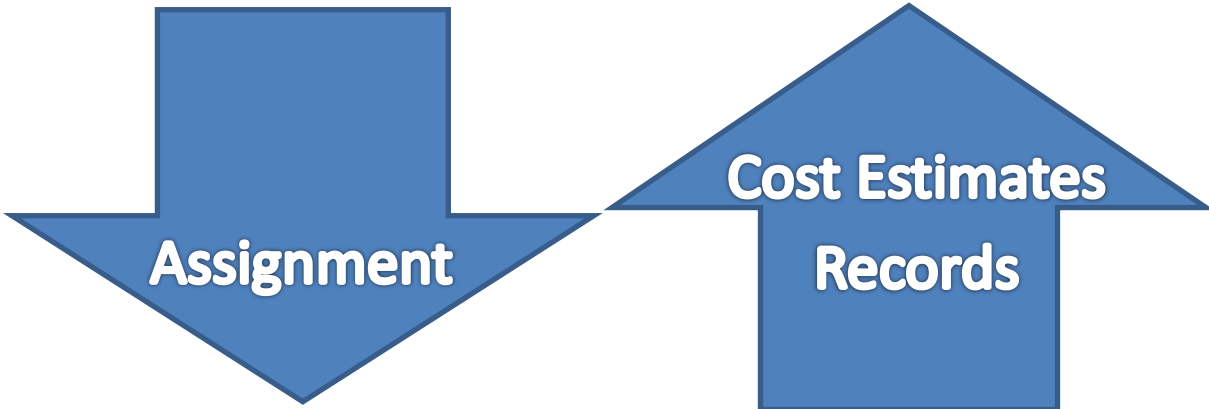
When redacting records, it is important to note that the exemption to the public records law must be cited. In other words, the information and/or images should be removed, and the justification of why the information was removed is to be provided. For example, “the attached record has been redacted pursuant to Section 1002.22 and 1002.221, F.S.” The citation is usually contained in a cover note or email. **Redaction of records must be completed by the custodian of records.** For guidance with redaction, CIC should be contacted at 305-995-1128.

Below are some examples of statutory exemptions:

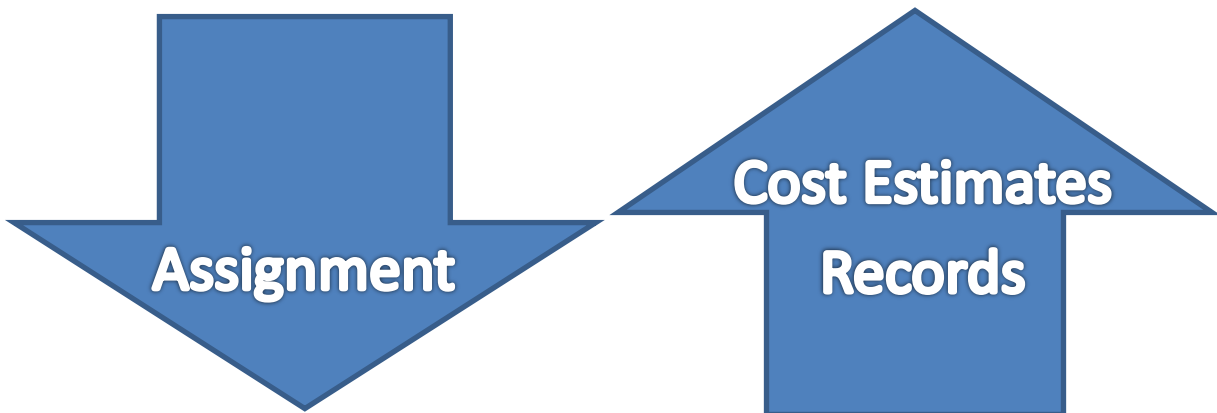
- **If the record is a particular student record, it should not be disclosed. It should be noted that there may be personally identifiable information about students contained in other types of records.**
- **Employee medical records.**
- **Social security numbers.**
- **Employee bank or credit information.**
- **Salary withholding information.**
- **Address and telephone numbers of former or current law enforcement personnel and their families (spouse and children).**
- **Names and addresses of retirees in list form.**
- **Public school employees’ personnel evaluations from the current or immediately preceding school year.**

Departments receiving PRRs should NOT respond directly to the requestor. Once all assignments have been completed, staff at CIC will respond to the requestor and close the PRR.

Office of Communications / Citizen Information Center



Cabinet Member



Office / Department (YOU)

Frequently Asked Questions (FAQs)

WHAT IS A PUBLIC RECORD?

Section 119.011(12), Florida Statutes defines public records as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

In addition, the Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge. Video and audio recordings, emails, and text messages are also considered public records subject to inspection.

WHO IS RESPONSIBLE FOR PUBLIC RECORDS?

Each employee is responsible for the public records he/she creates or receives and must manage the maintenance and disposition of those records according to law, including the Florida Public Records Retention Schedule.

WHO NEEDS TO BE NOTIFIED IF A PRR IS RECEIVED?

If you receive a request for public information or for a record in any format such as documents, electronic information, video, etc., forward the request immediately to the Citizen Information Center (CIC) at pr@dadescschools.net. If you are NOT the custodian of the record(s), please notify staff at CIC.

WHO IS RESPONSIBLE FOR RESPONDING TO A PRR?

Each M-DCPS employee, department and school is responsible for complying with Chapter 119, Florida Statutes. The Office of Communications, via the Citizen Information Center, manages the PRR process and ensures compliance.

SHOULD A DOCUMENT BE CREATED IN RESPONSE TO A PUBLIC RECORDS REQUEST?

The responsibility of the District is to provide existing records. If information or a record that is responsive to a PRR does not exist, the responding entity is not required to create a record to attempt to respond to the request. A PRR should not lead to the creation of new records that did not exist prior to the receipt of the PRR.

MUST A PUBLIC INFORMATION/RECORDS REQUEST BE IN WRITING?

There is no provision in Chapter 119 requiring that a request for public records be submitted in writing or to even be submitted in person.

MUST A PERSON REQUESTING INFORMATION EXPLAIN WHY THE INFORMATION IS BEING REQUESTED?

Chapter 119 does not make any provision for requiring a requestor to disclose the reason for the request.

HOW MUCH TIME DO WE HAVE TO COMPLY WITH THE REQUEST?

The Florida Supreme Court has stated that the only delay permitted under Chapter 119, F.S., in producing records “is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.”

If the PRR is not extensive and the records are readily available, they must be provided within a reasonable time, without unjustified delays, after receipt of payment of all statutory charges as applicable.

If the request is for student records, the requestor should be advised to contact the school principal who should process the request within thirty (30) days.

IF AN AGENCY DENIES ACCESS TO PUBLIC RECORDS, IS THAT AGENCY REQUIRED TO EXPLAIN THE REASON FOR THE DENIAL?

It is incumbent upon the custodian of public records contending that a record or part of a record is exempt from inspection to state the basis for exemption, including citing to the statutory exemption.

MAY I REFUSE TO ALLOW INSPECTION OR COPYING OF PUBLIC RECORDS ON THE GROUNDS THAT THE REQUEST IS OVERBROAD OR LACKS PARTICULARITY?

NO. While we may encourage the requestor to provide greater specificity to assist staff in providing the information expeditiously, we may not require that particular documents be identified. If the request is so broad as to require extensive research, then a cost estimate must be developed based on the time required to process by staff.

WHAT SHOULD I DO IF THE REQUESTOR CALLS BACK WITH QUESTIONS ABOUT THE RECORDS THAT WERE PROVIDED?

The District is required, by law, to allow access to public records either by inspection, or copies as may be requested. The District does not, however, have to explain the records or respond to questions. On the other hand, for the sake of transparency and keeping the public's trust and to enhance the efficiency of the processing of a PRR, it is often advisable to address the question or concern. The OOC should be contacted for assistance.

Cost Estimates

The cost estimate form is an easy way to prepare and communicate the cost estimate. If a cost estimate is appropriate, the cost estimate form should be completed and uploaded within five (5) days of receiving the assignment. Florida Statute 119.07[4][d] allows the agency to charge the labor cost of the personnel that is “actually incurred” by the agency where extensive assistance is required.

The cost estimate is an estimation. Nonetheless, it is important to ensure that the cost estimate is as accurate as possible, and it must be based on actual costs incurred by the District. The Citizen Information Center should be contacted for assistance in establishing a cost estimate.

Public Records Request Cost Estimate Form
Miami-Dade County Public Schools

Date: _____ Prepared by: _____
 _____ Telephone: _____

Project Description: _____

	<u>BASE HOURLY RATE</u>	X	<u>TIME</u>	<u>TOTAL</u>
Administrator Time (Review to ensure records are responsive and redact as necessary)	_____		_____	\$ _____ -
Clerical Time (Locate, Review, Duplicate or Scan as necessary)	_____		_____	\$ _____ -

For Information Technology Services (ITS) only:

Network Analyst
(Troubleshooting, data recovery)
 _____ | | _____ | \$ _____ - |

	<u>SECONDS (S)</u>		<u>COST/SECOND</u>	
CPU time (Total of test and production run times)	_____		_____	\$ _____ -

Miscellaneous/Special Costs	_____		_____	\$ _____ -
------------------------------------	-------	--	-------	------------

Materials:

Paper @ \$16.50/box	#of boxes:	_____	\$ _____ -
Copies @ \$0.15/each	#of copies:	_____	\$ _____ -
Double-sided Copies @ \$0.20/each	#of copies:	_____	\$ _____ -
Labels #763 4x1 7/8 @ \$3.41/1000 labels	#of labels:	_____	\$ _____ -
Compact Disk @ \$1.00	#of disks:	_____	\$ _____ -

TOTAL COST OF PRODUCTION			\$ _____
---------------------------------	--	--	----------

Instructions:

1. Pursuant to School Board Policy, M-DCPS will charge a fee for copies and for extensive use of staff time. Please complete the cost estimate form if it will take more than 15 minutes to gather, copy and redact the records. Please enter time in excess of 15 minutes.
2. Estimate the amount of staff time needed to gather the required documents.
3. Use the hourly rate of the salaried employee who is qualified to perform the tasks.
4. Calculate the duplication/material fees (copies), as applicable.
5. Upload the completed cost estimate form to the PRR system.

Note: The Citizen Information Center will collect the required fees, and notify you when to begin work. **Do not commence work until notified by the staff of the (CIC) that payment has been received.**

FM – 7499 (04/19)

Definitions

CUSTODIAN OF PUBLIC RECORDS	The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records or his/her designee. The Superintendent of Schools is ultimately the District's custodian of records. Each employee is responsible for the public records created or received and must manage the maintenance and disposition of those records according to law, including the Florida Public Records Retention Schedule.
EDUCATIONAL RECORDS / STUDENT RECORDS	Educational records are records maintained by a school district or by an individual acting for the school district that contain information directly related to a student (Refer to School Board Policy 8330, and Federal and State Compliance Office).
EXEMPTION	A provision of general law, which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of Section 119.07(1), section 286.011, or section 24. Art.I of the State Constitution.
FLORIDA PUBLIC RECORDS LAW	Chapter 119, Florida Statutes is commonly known as Florida's "Public Records Law." The law provides information on public records in Florida, including policies, definitions, exemptions, general information on records access, inspection, examination and duplication of records.
FERPA	Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records.
HIPAA	Health Insurance Portability and Accountability Act (HIPAA), a federal law created to safeguard the confidentiality and security of patient records and Protected Health Information (PHI).
REDACTION	Redaction is the process of removing exempt information from public records provided in response to a PRR. In some cases, an entire record is excluded. Confidential and exempt information is "deleted" from a document. This is usually done electronically or by physically crossing out the information.

Contact Information

MIAMI-DADE COUNTY PUBLIC SCHOOLS

Citizen Information Center
1450 N.E. 2nd Avenue, Suite 102
Miami, Florida 33132
305-995-1128

Website: <https://cic.dadeschools.net/>

Email: pr@dadeschools.net

Office of Communications
305-995-1825

<https://news.dadeschools.net/cmnc/>

Federal and State Compliance Office
305-883-5323

<https://attendanceservices.dadeschools.net>

Records & Forms Management Office
305-995-3289

<https://forms.dadeschools.net/#/>

Office of General Counsel
305-995-1304

<https://attorneys.dadeschools.net/#/rightColumn/4228>