



GEORGIA FIRST  
AMENDMENT  
FOUNDATION

# Accessing School Records in Georgia

*In partnership with Ramsingh Legal*



# FREQUENTLY ASKED QUESTIONS

---

A new FAQ resource for requesters

Contains helpful explanations of the laws affecting access to school records and school board meetings

Available online at [bit.ly/GFAF-SchoolFAQs](https://bit.ly/GFAF-SchoolFAQs)



# What are we NOT covering today?

---

1. How to ask for records
2. Deadlines
3. Fees
4. Any other guidance that is not education/school specific
5. For tips on requesting public records, go to the “Red Book” *Guide to Open Government in Georgia*, available at: [gfaf.org/resources/the-red-book/](http://gfaf.org/resources/the-red-book/)

# Student Information

---

MUST BE REDACTED	AVAILABLE WITH CONSENT	AVAILABLE
Names of student and parents*	Letters of recommendation placed in a file prior to January 1, 1975	Aggregate and statistical data so long as the student's identity is not "easily traceable"
Addresses of the student or student's family*	Student medical and psychological records prepared by a physician in connection with treatment of a student	Records created after the student leaves the school
Personal characteristics or information that would make the student's identity easily traceable	Academic records	Test scores of K-12 students (statistical data, no names)
Social Security numbers or student ID numbers	Records of earned admission to a particular school	Initial incident reports and initial police arrest reports
		Information in a school directory
		Employment records, unless the student is the employee and the employment is the result of the student's status at the university
		Admission records, if a prospective student does not earn admission to a particular school

\*Unless already made public in a school directory

# School Personnel Records

---

MUST BE REDACTED	CONDITIONALLY AVAILABLE	AVAILABLE
Social Security numbers	Military discharge forms (DD-214s) must not be disclosed until after a period of 50 years has elapsed from the date of filing	Employment applications
Mother's birth name	Evaluations that are not annual teaching evaluations (superintendent evaluations are not available)	Driver's license information and motor vehicle reports, if found in personnel files
Month and day of birth (not year)	Background investigations (criminal or otherwise), except for confidential evaluations or examinations undertaken in connection with the employee's appointment or hiring	Salary and compensation
Insurance or medical records		Commendations
Home address and telephone number		Reprimands and adverse personnel actions
Financial data (including credit/debit card and banking)		Certificates of training and course completion
Individual employee benefits selections and payroll deductions		Training records
Birth certificates		

# School Administration Records

---

NOT AVAILABLE	CONDITIONALLY AVAILABLE	AVAILABLE
<p>School safety plans prepared pursuant to O.C.G.A. 20-2-1185</p>	<ul style="list-style-type: none"> <li>• All documents held by the district pertaining to the final three contenders for district school superintendent or similar executive position must be released at least 14 calendar days prior to the meeting at which final action or a vote is to be taken.</li> <li>• Before that document-release deadline, the district may allow finalists to remove themselves from consideration, rather than have the district release documents about them.</li> <li>• In that event, the district shall release the documents of the next most qualified person under consideration who does not decline the position.</li> </ul>	<p>School board records (settlement agreements, contracts, memorandums of understanding, minutes)</p>
<p>Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school</p>	<ul style="list-style-type: none"> <li>• Records consisting of test questions, scoring keys, and other materials that derive value from being unknown to test takers prior to administration of the test may be withheld IF reasonable measures are taken by the owner of the test to protect security and confidentiality.</li> <li>• The State Board of Education may establish procedures whereby a member of the public may view, but not copy, such records, if the board determines public viewing will not affect validity of the test.</li> </ul>	<p>School budgets</p>
	<ul style="list-style-type: none"> <li>• Records pertaining to school vendors and contractors, if:               <ul style="list-style-type: none"> <li>✓ The records are “an integral part of the course of the operation of a public agency” (e.g., personnel records of school bus drivers);</li> <li>✓ OR if: The private party derives more than 33 1/3 percent of its general operating budget from payments from a public agency.</li> </ul> </li> </ul>	<p>Policies (curriculum, banned books, etc.)</p>



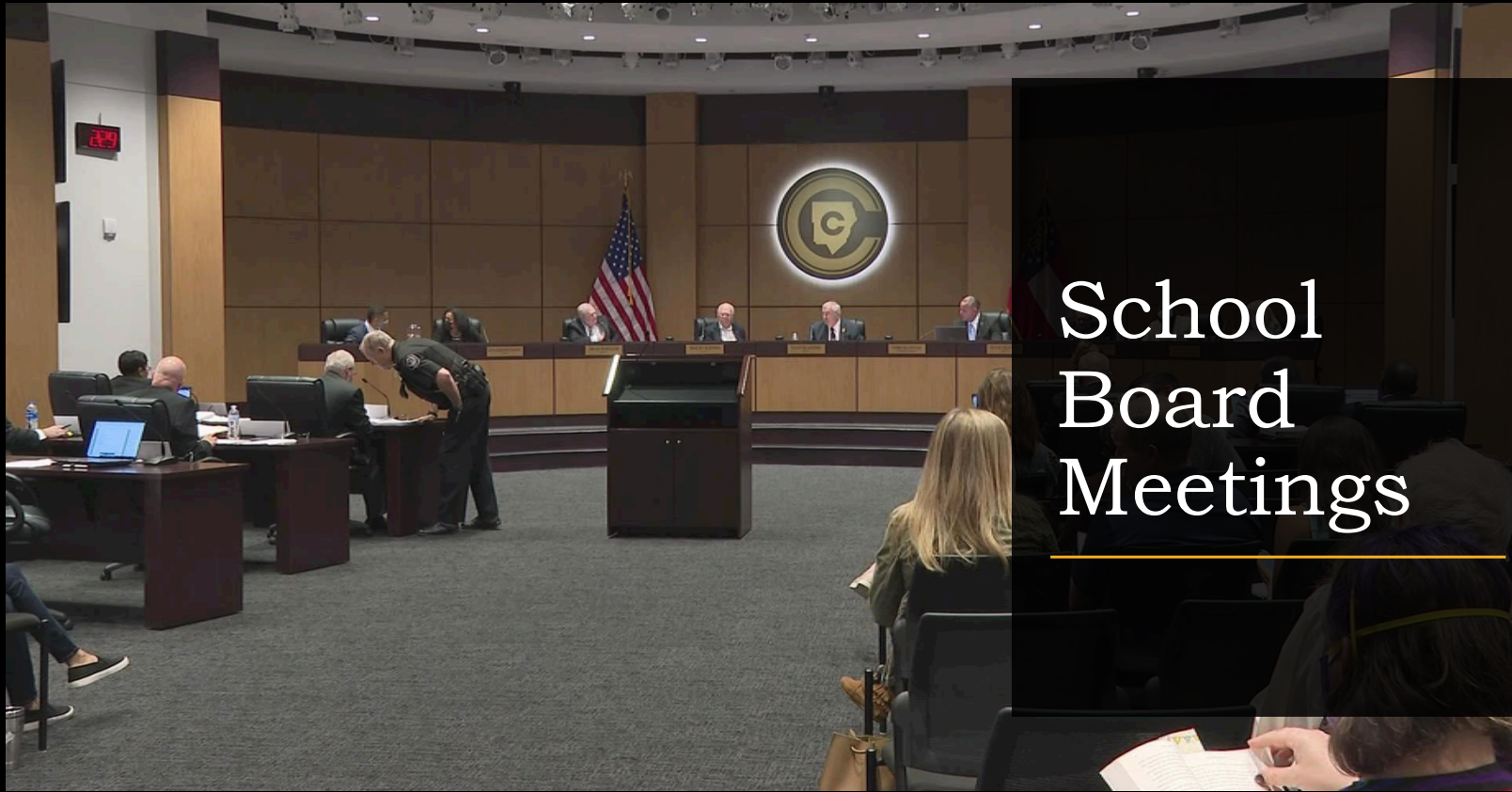


## School-specific exception to the 3-day deadline

---

An exception to the three-day rule: Any intercollegiate sports program of any unit of the University of Georgia, including athletic departments and related private athletic associations, has up to 90 business days to respond to an open records request.

*O.C.G.A. 50-18-71(d.1)*



# School Board Meetings

---



Again, we are only discussing  
school-specific issues in today's training...

---

For more information on what a meeting is, when a meeting can be closed, virtual meetings, and permitted reasons for executive sessions, please visit:

[gfaf.org/resources/the-red-book/](http://gfaf.org/resources/the-red-book/)

# Executive Sessions

---

- **When can the school board close the meeting to the public, in addition to the general reasons enumerated in the Open Meetings Act?**
  - To conduct any meeting under the Public-School Disciplinary Tribunal Act (student disciplinary hearings)
  - To discuss or deliberate—but not to vote upon—the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or when interviewing applicants for the position of the executive head of the district UNLESS the board is receiving evidence or hearing argument on these matters, or when they are discussing policies relating to employment\*

\*Meetings to discuss or take action on the filling of a vacancy in the membership of the school board itself must at all times be open to the public.

## Cobb schools cut public comments from live, virtual meeting



COBB COUNTY

By Kristal Dixon, The Atlanta Journal-Constitution

Aug 21, 2020

## One example...

People who tuned in to watch Thursday's live stream of the Cobb County School Board's virtual meeting had to wait nearly an hour before they could view the action.

That's because the school district did not broadcast the public comment portion of the meeting. Instead, viewers were treated to a continuous loop of music and a message saying the meeting had not begun when, in fact, school board members were hearing those comments.

A school board spokesperson said the district blacked out the public comment portion of the meeting because the virtual meeting format doesn't allow the district to verify if speakers live in Cobb, own property in the county or are district staff members.



A **public comment period** is required at local school board meetings.

*O.C.G.A. 20-2-58*

- No guidance offered as to how long this period of time has to be, but the board chair has discretion to limit the length of time for individual comments and the number of individuals speaking for or against a specific issue.
- The public comment period must be included on the posted agenda.
- The board cannot require you to provide notice that you will be giving comment more than 24 hours prior to the meeting as a condition of addressing the board during the comment period. (This provision indicates that a local board could restrict you from speaking at a board meeting if you give less than 24 hours' notice of your intention to speak.)

# What happens if a violation occurs?

1. Note your objection during public comment, if possible.
2. Document! Record/video/take notes!
3. Never raise your voice, threaten a public official or employee, or take any kind of action that could be deemed hostile or violent. A member of the public may be removed from a meeting if their conduct is “actually disruptive.”
4. If you want to invalidate the formal action taken during a violation of the Georgia Open Meetings Act, you can file a lawsuit to do so within 90 days.
5. If there was no formal action to invalidate, but the conduct still violated the Act, you can file a lawsuit for injunctive relief (forcing the board to stop closing the meeting improperly).
6. You can sue the board for civil and criminal penalties. (Yes, you get to keep the civil penalties if you win.) Penalties are up to \$1,000 for the first violation, and up to \$2,500 for each additional violation within a year from the first penalty. Plus, attorney’s fees and costs, if you win.
7. Participation in an unlawfully closed meeting may be grounds for recall from office.

```

08-2009 22:59 fil<<DIR>* 118 594 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 061 594 AboutRemoteWand...Provider Services
08-2009 C28:40 doks<<DIR>* 033 598 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 019 618 AboutRemoteWand...Provider Services
08-2009 C28:40 doks<<DIR>en 327 8183 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR> 63 8937 AboutRemoteWand...Provider Services
08-2009 C22:40 dows<<DIR>en 389 828 AboutRemoteWand...Provider Services
08-2009 C22:40 dows<<DIR>en 322 788 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR>1 018 822 AboutRemoteWand...Provider Services
08-2009 C22:40 dows<<DIR>en 328 588 AboutRemoteWand...Provider Services
08-2009 C22:40 doks<<DIR>en 329 588 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR> 49 9892 AboutRemoteWand...Provider Services
08-2009 C13:40 doks<<DIR>en 329 588 AboutRemoteWand...Provider Services
08-2009 C13:40 dows<<DIR>en 329 588 AboutRemoteWand...Provider Services
08-2009 C26:40 dows<<DIR>en 869 633 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR> 49 9891 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 069 892 AboutRemoteWand...Provider Services
08-2009 C20:40 fil<<DIR>en 369 633 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 62 882 AboutRemoteWand...Provider Services
08-2009 C13:40 doks<<DIR>en 369 633 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 042 492 AboutRemoteWand...Provider Services
08-2009 C23:40 dows<<DIR>* 092 492 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR>1 052 692 AboutRemoteWand...Provider Services
08-2009 C21:40 doks<<DIR>en 369 633 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR>* 1 099 692 AboutRemoteWand...Provider Services
08-2009 C22:40 fil<<DIR>en 189 992 AboutRemoteWand...Provider Services
08-2009 C17:40 dows<<DIR>en 997 688 AboutRemoteWand...Provider Services
08-2009 22:59 <DIR> 082 692 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR>1 052 692 AboutRemoteWand...Provider Services
08-2009 22:59 fil<<DIR>1 052 692 AboutRemoteWand...Provider Services
08-2009 C22:40 doks<<DIR>en 529 892 AboutRemoteWand...Provider Services
08-2009 22:59 dows\system 49 592 AboutRemoteWand...Provider Services
08-2009 C23:40 dows<<DIR>en 359 892 AboutRemoteWand...Provider Services
08-2009 C23:40 dows<<DIR>en 49 624 AboutRemoteWand...Provider Services

```

# Data Collection & Retention

# Student Data Privacy, Accessibility and Transparency Act (2015), O.C.G.A. 20-2-664

---

requires an inventory of data elements being collected, including a reason for why each is collected;

gives parents rights to review their child's education record and requires schools to provide electronic copies of student records to their parents upon request;

requires development of a data security plan for the state data system;

requires technology providers working with schools to develop appropriate security procedures and prohibits them from selling personal information about students or using it for targeted advertising; and

provides for the Georgia Department of Education to designate a Chief Privacy Officer

O.C.G.A. 20-2-664 requires the DOE to create and publish a dictionary of data elements so the public can know the types of data being collected

---

Full-Time Equivalent (FTE) - This is data collected for Quality Basic Education funding and is based on student enrollment and the education services provided by local school systems to students. This glossary can be found by clicking [bit.ly/3Qm29GQ](https://bit.ly/3Qm29GQ)

Student Class (SC) - This is a collection of class roster data which links students and teachers. The SC Data Element Glossary can be found at [bit.ly/3PZJqPP](https://bit.ly/3PZJqPP)

Student Record (SR) – This is data on the instructional services provided to students by the local school system throughout the regular school year. The SR Data Element Glossary can be found at [bit.ly/3M1cKEg](https://bit.ly/3M1cKEg)

**The following procedures must be followed before data collection changes:**

- The state Department of Education must notify the governor and the General Assembly of any proposed data element changes.
- Georgia DOE must notify the governor and the General Assembly of any proposed or planned changes to collecting student personally identifiable data, including changes to federal reporting requirements made by the U.S. Department of Education.
- Georgia DOE must announce new provisional student data collection to the general public for a review and comment period for at least 60 days.



## More resources on data collection and privacy...

[U.S. Department of Education FERPA AND COVID-19 FAQ](#)

[U.S. Department of Education Best Practices for Data Destruction](#)

[U.S. Department of Education Best Practices for Student Privacy While Using Online Educational Resources](#)

[U.S. Department of Education FERPA Exception Summary](#)

[Georgia Department of Education Powerpoint on Student Data Privacy & Security](#)

New law: parental  
complaints regarding  
“harmful materials”

*O.C.G.A. 20-2-324.6*

Requires the local board of education to adopt a complaint resolution policy for its local school system to address written complaints submitted by parents or permanent guardians alleging that material that is harmful to minors has been provided or is currently available in the local school system.

School principal or their designee must review the complaint and investigate it within seven business days, then meet with the parent(s) to inform them whether student access will be restricted within 10 business days of the complaint. The parent may appeal to the local board of education.

The title of material submitted for appeal shall be published on the website of the local board of education within 15 business days and shall remain on the website for at least one year.

A parent or permanent guardian may request access to appealed materials that are physical and accessible to their student in the school's media center. A parent or permanent guardian must abide by the school's policies and procedures when requesting and reviewing such material.



**GEORGIA FIRST  
AMENDMENT  
FOUNDATION**

[www.gfaf.org](http://www.gfaf.org)

RAMSINGH

[www.ramsinghlegal.com](http://www.ramsinghlegal.com)

