

Records, inspection of teacher grade books

Number: INFORMAL

Date: July 01, 1997

Subject:
Records, inspection of teacher grade books

The Honorable Jeff Stabins
Representative, District 44
7497 Forest Oaks Boulevard
Spring Hill, Florida 34606-2400

RE: RECORDS--EDUCATIONAL RECORDS--PUBLIC RECORDS--PUBLIC RECORDS LAW--
inspection of teacher grade books. s. 228.093, Fla. Stat.

Dear Representative Stabins:

Thank you for contacting this office regarding the public nature of teacher grade books pursuant to section 228.093, Florida Statutes (1996 Supplement). I trust that the following informal comments will address your concerns.

Section 228.093, Florida Statutes, provides that a parent, guardian, pupil, or student of a public school, area vocational-technical training center, community college, or institution of higher education in the State University System "shall have the right, upon request, to be shown any record or report relating to such pupil or student maintained by any public educational institution." [1] However, the statute makes a specific exception from the terms "records" and "reports" for:

"Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which records are in the sole possession of the maker thereof and are not accessible or revealed to any other person except a substitute for any of such persons. *An example of records of this type is instructor's grade books.*" [2] (e.s.)

Thus, instructor's grade books are not within the terms of the statute as records which are subject to inspection by a parent, guardian, pupil, or student.

However, I would note that, under these statutes a parent or pupil would have access to materials reflecting the student's own "academic work completed; level of achievement records, including grades and standardized achievement test scores; . . . scores on standardized intelligence, aptitude, and psychological tests; . . . teacher or counselor ratings and observations" [3] as these appear in the student's cumulative record folder. These materials are considered "records" and "reports" for purposes of section 228.093(2)(e), Florida Statutes (1996 Supplement), and are subject to review as set forth in the statute.

I trust that this information will be of assistance to you and to your constituent in resolving these

issues and am enclosing a copy of a recent opinion of the Department of Education discussing issues relating to disclosure of teacher grade books which may also be helpful.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk

Enclosure

[1] Section 228.093(3)(a)2., Fla. Stat. (1996 Supp.).

[2] Section 228.093(2)(e)1., Fla. Stat. (1996 Supp.).

[3] Section 228.093(2)(e), Fla. Stat. (1996 Supp.).