

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 311 — Pub. Rec./Assessment Instruments

by Post-Secondary Education and Lifelong Learning Subcommittee and Rep. Silvers (SB 1456 by Senator Rodrigues)

The bill expands the scope of the existing public records exemption that covers examination and assessment instruments relating to statewide, standardized assessments and student progression. The bill makes confidential and exempt from public access:

- The statewide kindergarten screening assessment.
- The assessment of learning gains for students in a Department of Juvenile Justice education program.
- Assessments for the identification of limited English proficient students.
- The civic literacy assessment administered by Florida College System (FCS) institutions and state universities.
- Teacher certification assessments.
- The Preliminary SAT/National Merit Scholar Qualifying Test and the PreACT assessments administered under the Florida Partnership for Minority and Underrepresented Student Achievement.

The bill creates a new public records exemption that covers all examinations and assessments, including related developmental materials and workpapers, which are prepared, prescribed, or administered by an FCS institution, a state university, or the Florida Department of Education. The bill provides that the State Board of Education and the Board of Governors of the State University System are responsible for implementing rules or regulations governing access, maintenance, and destruction of the assessments and related records.

The bill provides a statement of public necessity as required by the Florida Constitution. The bill makes legislative findings that the exemptions are necessary in order to maintain the security of proprietary information included in assessment instruments, prevent academic dishonesty, and ensure the validity of the results derived from the administration of examinations and assessments.

The bill provides that the public records exemptions are subject to the Open Government Sunset Review Act and are repealed on October 2, 2026, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0