

1 A bill to be entitled
2 An act relating to public records; amending s.
3 229.57, F.S.; providing an exemption from
4 public records requirements for personal
5 identifying information of instructional
6 personnel held by the Department of Education;
7 providing for disclosure of such information to
8 the State Board of Education; providing for
9 future review and repeal; providing a finding
10 of public necessity; providing an effective
11 date.

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13 WHEREAS, beginning with the full implementation of an
14 annual assessment of student learning gains, the assessment of
15 instructional personnel must primarily use data and indicators
16 of improvement in student performance, and

17 WHEREAS, it is the intent of the Legislature to
18 permanently and completely protect the privacy of individual
19 teacher records at the state level, and

20 WHEREAS, data identifying instructional personnel and
21 students and estimating the effects of instruction by such
22 instructional personnel on a student's year-to-year
23 achievement, or lack thereof, in the possession of the
24 Department of Education or the State Board of Education must
25 be held confidential and exempt from public records
26 requirements, NOW, THEREFORE,

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Subsection (16) of section 229.57, Florida
31 Statutes, is created to read:

1 229.57 Student assessment program; public records
2 exemption.--

3 (16) All personal identifying information of
4 instructional personnel, as defined in s. 228.041(9),
5 contained in records held by the Department of Education
6 pursuant to s. 229.57(8) and (11), is confidential and exempt
7 from s. 119.07(1) and s. 24, Art. I of the State Constitution.
8 However, such information may be disclosed to the State Board
9 of Education in the course of its duties and responsibilities,
10 and the State Board of Education shall maintain the
11 confidential and exempt status of such information as provided
12 herein. This subsection is subject to the Open Government
13 Sunset Review Act of 1995 in accordance with s. 119.15, and
14 shall stand repealed on October 2, 2006, unless reviewed and
15 saved from repeal through reenactment by the Legislature.

16 Section 2. The Legislature finds that the exemption
17 provided by this act is a public necessity because personal
18 identifying information of instructional personnel is of a
19 sensitive, personal nature. The collection of such information
20 by the Department of Education is crucial to the effective
21 administration of the statewide assessment program, however,
22 if the personal identifying information of instructional
23 personnel were released, such personnel might not be as
24 willing to fully participate in certain programs. Those
25 programs are intended to improve the quality of instructional
26 personnel however, the release of their personal identifying
27 information may lower instead of increase their motivation
28 towards excellence. The release of such information could
29 also result in discriminatory practices against certain
30 instructional personnel. In addition, qualified persons may
31 be discouraged from entering the field of teaching by the

1 threat of such release of their personal information obtained
2 through the assessment program. Therefore, the release of
3 such information would result in harm that far outweighs any
4 possible public benefit of such release.

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