

By Senator Sullivan

22-1409-02

See HB 769

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 information in  
5           the possession of the Department of Education  
6           in connection with annual student assessments  
7           which identifies teachers or other  
8           instructional personnel or discloses the  
9           effects of instruction by such persons;  
10          providing for future review and repeal;  
11          providing a finding of public necessity;  
12          providing an effective date.

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

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

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

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

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1           Section 1. Paragraph (a) of subsection (11) of section  
2 229.57, Florida Statutes, is amended to read:

3           229.57 Student assessment program.--

4           (11) STATEWIDE ASSESSMENTS.--The Department of  
5 Education is authorized to implement annual assessments of  
6 students in grades 3 through 10.

7           (a)1. The statistical system for the annual  
8 assessments shall use measures of student learning, such as  
9 the FCAT, to determine teacher, school, and school district  
10 statistical distributions, which shall be determined using  
11 available data from the FCAT, and other data collection as  
12 deemed appropriate by the Department of Education, to measure  
13 the differences in student prior year achievement against the  
14 current year achievement.

15           2. The department shall not release data disclosing  
16 personal identifying information about a teacher or any other  
17 instructional personnel and the effects of instruction by such  
18 teacher or other instructional personnel on a student except  
19 to the State Board of Education. Such data, in the possession  
20 of the department and the State Board of Education, are  
21 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
22 of the State Constitution. This subparagraph is subject to the  
23 Open Government Sunset Review Act of 1995 in accordance with  
24 s. 119.15, and shall stand repealed on October 2, 2007, unless  
25 reviewed and saved from repeal through reenactment by the  
26 Legislature.

27           Section 2. The Legislature finds that the exemption  
28 from public-records requirements provided by section  
29 229.57(11)(a)2., Florida Statutes, is a public necessity in  
30 order to ensure the privacy of individual teacher records at  
31 the state level. Personal information about the effects of

