Florida Senate - 2002

By Senator Sullivan

22-1409-02 See HB 769 A bill to be entitled 1 2 An act relating to public records; amending s. 3 229.57, F.S.; providing an exemption from public-records requirements for information in 4 5 the possession of the Department of Education in connection with annual student assessments б 7 which identifies teachers or other 8 instructional personnel or discloses the effects of instruction by such persons; 9 providing for future review and repeal; 10 11 providing a finding of public necessity; providing an effective date. 12 13 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 of improvement in student performance, and 17 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 achievement, or lack thereof, in the possession of the 24 Department of Education or the State Board of Education must 25 26 be held confidential and exempt from public-records 27 requirements, NOW, THEREFORE, 28 29 Be It Enacted by the Legislature of the State of Florida: 30 31 1

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SB 1762

1 Section 1. Paragraph (a) of subsection (11) of section 229.57, Florida Statutes, is amended to read: 2 3 229.57 Student assessment program.--4 (11) STATEWIDE ASSESSMENTS. -- The Department of 5 Education is authorized to implement annual assessments of б 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 the FCAT, to determine teacher, school, and school district 9 10 statistical distributions, which shall be determined using 11 available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure 12 13 the differences in student prior year achievement against the 14 current year achievement. 15 2. The department shall not release data disclosing personal identifying information about a teacher or any other 16 17 instructional personnel and the effects of instruction by such teacher or other instructional personnel on a student except 18 19 to the State Board of Education. Such data, in the possession 20 of the department and the State Board of Education, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I 21 22 of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with 23 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 order to ensure the privacy of individual teacher records at 30 31 the state level. Personal information about the effects of

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instruction by teachers and instructional personnel is highly sensitive. Collection of such information by the Department of Education allows it to effectively administer the statewide student assessment program. However, if this information were subject to statewide public release, teachers and б instructional personnel would be reluctant to participate fully in the assessment program, and qualified persons would be discouraged from entering the field of teaching. Therefore, the harm that would result from release of this information outweighs any public benefit that might result therefrom. Section 3. This act shall take effect upon becoming a law. LEGISLATIVE SUMMARY Provides an exemption from public-records requirements for information in the possession of the Department of Education in connection with annual student assessments which identifies teachers or other instructional personnel or discloses the effects of instruction by such persons. Provides for future review and repeal.

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