

By Representative Alexander

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 s.
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

1 instruction by teachers and instructional personnel is highly
2 sensitive. Collection of such information by the Department of
3 Education allows it to effectively administer the statewide
4 student assessment program. However, if this information were
5 subject to statewide public release, teachers and
6 instructional personnel would be reluctant to participate
7 fully in the assessment program, and qualified persons would
8 be discouraged from entering the field of teaching. Therefore,
9 the harm that would result from release of this information
10 outweighs any public benefit that might result therefrom.

11 Section 3. This act shall take effect upon becoming a
12 law.

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15 HOUSE SUMMARY

16 Provides an exemption from public records requirements
17 for information in the possession of the Department of
18 Education in connection with annual student assessments
19 which identifies teachers or other instructional
20 personnel or discloses the effects of instruction by such
21 persons. Provides for future review and repeal.
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