

By the Committee on General Education and Representatives  
Alexander and McGriff

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 regarding teachers held  
6           by the Department of Education; providing for  
7           disclosure of such information to the State  
8           Board of Education; providing for retroactive  
9           application; providing for future review and  
10          repeal; providing a finding of public  
11          necessity; providing an effective 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          teachers must primarily use information and indicators of  
16          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, information identifying teachers and  
21          estimating the effects of instruction by such teachers on a  
22          student's year-to-year achievement, or lack thereof, in the  
23          possession of the Department of Education or the State Board  
24          of Education must be held confidential and exempt from public  
25          records requirements, NOW, THEREFORE,

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

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29           Section 1. The catchline of section 229.57, Florida  
30          Statutes, is amended, and subsection (17) is added to said  
31          section, to read:

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

3           (17) PUBLIC RECORDS EXEMPTION.--All personal  
4 identifying information regarding a teacher, as defined in s.  
5 228.041(9)(a), contained in records held by the Department of  
6 Education pursuant to subsections (8) and (11) is confidential  
7 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
8 Constitution. However, such information may be disclosed to  
9 the State Board of Education in the course of its duties and  
10 responsibilities, and the State Board of Education shall  
11 maintain the confidential and exempt status of such  
12 information as provided herein. This exemption applies to  
13 personal identifying information regarding teachers held by  
14 the Department of Education before, on, or after the effective  
15 date of this exemption. This subsection is subject to the  
16 Open Government Sunset Review Act of 1995 in accordance with  
17 s. 119.15, and shall stand repealed on October 2, 2007, unless  
18 reviewed and saved from repeal through reenactment by the  
19 Legislature.

20           Section 2. The Legislature finds that the exemption  
21 provided by this act is a public necessity because personal  
22 identifying information regarding teachers is of a sensitive,  
23 personal nature. The collection of such information by the  
24 Department of Education is crucial to the effective  
25 administration of the statewide assessment program. However,  
26 if a teacher's personal identifying information were released,  
27 a teacher might not be as willing to fully participate in  
28 certain programs. While those programs are intended to  
29 improve the quality of teachers, the release of personal  
30 identifying information may lower, instead of increase, a  
31 teacher's motivation towards excellence. The release of such

1 information could also result in discriminatory practices  
2 against certain teachers. In addition, qualified persons may  
3 be discouraged from entering the field of teaching by the  
4 threat of such release of their personal information obtained  
5 through the assessment program. Therefore, the release of  
6 such information would result in harm that far outweighs any  
7 possible public benefit of such release.

8           Section 3. This act shall take effect upon becoming a  
9 law.

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