

By Senator Pruitt

27-123-02

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from the public records law for  
4           individual records of children enrolled in  
5           Learning Gateway programs; providing for the  
6           release of such records for specified purposes;  
7           exempting from the public records law those  
8           records held by a Learning Gateway Program  
9           which would be confidential if held by a state  
10          agency; providing for future legislative review  
11          and repeal; providing a finding of public  
12          necessity; providing a contingent effective  
13          date.

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

17           Section 1. Records of children in Learning Gateway  
18 programs.--

19           (1) The individual records of children enrolled in  
20 Learning Gateway programs, when held in the possession of the  
21 Learning Gateway program or the Learning Gateway Steering  
22 Committee, are confidential and exempt from section 119.07,  
23 Florida Statutes, and Section 24(a) of Article I of the State  
24 Constitution. For the purposes of this section, records  
25 include assessment data, health data, records of teacher  
26 observations, and identifying data, including the child's  
27 name, address, and social security number. A parent or  
28 guardian or an individual acting as a parent in the absence of  
29 a parent or guardian may inspect and review the individual  
30 Learning Gateway program record of his or her child and may  
31 obtain a copy of the record. Learning Gateway program records

1 may be released to the Department of Education, the Department  
2 of Health, and the Department of Children and Family Services;  
3 to individuals or organizations conducting studies for  
4 institutions to develop, validate, or administer assessments  
5 or improve instruction; to appropriate parties in connection  
6 with an emergency when the information is necessary to protect  
7 the health or safety of the child or other individuals; to the  
8 Auditor General in connection with his or her official  
9 functions; to a court of competent jurisdiction in compliance  
10 with an order of that court pursuant to a lawfully issued  
11 subpoena; and to parties to an interagency agreement among  
12 Learning Gateway programs, local governmental agencies,  
13 providers of Learning Gateway programs, state agencies, and  
14 the Learning Gateway Steering Committee for the purpose of  
15 implementing the Learning Gateway program. Agencies,  
16 organizations, or individuals that receive Learning Gateway  
17 program records in order to carry out their official functions  
18 must protect the data in a manner that will not permit the  
19 personal identification of children or their parents by  
20 persons other than those authorized to receive the records.  
21 This section is subject to the Open Government Sunset Review  
22 Act of 1995 in accordance with section 119.15, Florida  
23 Statutes, and is repealed October 2, 2007, unless reviewed and  
24 saved from repeal through reenactment by the Legislature.

25 (2) Records, or information contained in such records,  
26 held by a Learning Gateway program which, if held by an agency  
27 as defined in section 119.011, Florida Statutes, or any other  
28 unit of government, would be confidential or exempt from  
29 section 119.07(1), Florida Statutes, or otherwise exempt from  
30 public disclosure, and records or information of the same type  
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1 held by a Learning Gateway program, are confidential and  
2 exempt from inspection and copying.

3       Section 2. The Legislature finds that it is a public  
4 necessity to make confidential and exempt from the public  
5 records law information that would result in the  
6 identification of a participant in a Learning Gateway program,  
7 including a child's name, address, or social security number.  
8 Further, the Legislature finds that it is a public necessity  
9 to make confidential and exempt from the public records law a  
10 participant's assessment data, health data, or teacher  
11 observations of a participant. Children who participate in a  
12 Learning Gateway program may have potential learning and other  
13 developmental problems that the program seeks to address.  
14 Young children develop at a very rapid rate compared to older  
15 children. If a potential learning or other developmental  
16 problem is identified and properly addressed at an early age,  
17 it can be made less severe or can even be overcome entirely,  
18 sometimes in a short period of time. Addressing potential  
19 learning or other developmental problems that interfere with a  
20 young child's development is an issue of great public  
21 importance which affects the health, safety, and welfare of  
22 the children of Florida as well as the future of the state.  
23 Learning or other developmental problems, therefore, must be  
24 identified in a way that does not result in the labeling or  
25 stigmatizing of a child in the public eye, especially since  
26 intervention at an early age may resolve these problems. If a  
27 parent fears that his or her child's identity can be  
28 determined from records maintained by a Learning Gateway  
29 program, or that assessment data, health data, or teacher  
30 observations regarding his or her child are available for  
31 public inspection or copying, that parent may not permit his

1 or her child to participate in the program. As a result,  
2 children would not benefit from a Learning Gateway program and  
3 their learning or other developmental problems would not be  
4 ameliorated. Therefore, making a participant's identity,  
5 assessment data, health data, or teacher observations  
6 confidential and exempt from the public records law will  
7 permit parents and Learning Gateway program providers to  
8 ameliorate potential learning or other development problems  
9 while protecting the children who participate in the program.

10 Section 3. This act shall take effect on the date  
11 Senate Bill \_\_\_\_\_, relating to learning disabilities, or  
12 similar legislation becomes a law, and shall not take effect  
13 if such legislation does not become a law.

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16 SENATE SUMMARY

17 Provides an exemption from the public records law for  
18 individual records of children enrolled in Learning  
19 Gateway programs. Provides for the release of such  
20 records for specified purposes. Exempts from the public  
21 records law those records held by a Learning Gateway  
22 Program which would be confidential if held by a state  
23 agency. Provides for future legislative review and  
24 repeal. Provides a finding of public necessity. Provides  
25 a contingent effective date.  
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