

By Senator Cowin

20-1187A-03

1                                   A bill to be entitled  
2           An act relating to educational assessments;  
3           amending s. 1002.22, F.S.; excluding  
4           examination and assessment instruments from the  
5           definition of student records and reports;  
6           amending s. 1008.23, F.S.; providing that  
7           parents or students do not have a right of  
8           access to examination and assessment  
9           instruments; requiring the Department of  
10          Education to conduct a study and report to the  
11          Legislature; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Paragraph (c) of subsection (2) of section  
16 1002.22, Florida Statutes, is amended to read:

17           1002.22 Student records and reports; rights of parents  
18 and students; notification; penalty.--

19           (2) DEFINITIONS.--As used in this section:

20           (c) "Records" and "reports" mean official records,  
21 files, and data directly related to students that are created,  
22 maintained, and used by public educational institutions,  
23 including all material that is incorporated into each  
24 student's cumulative record folder and intended for school use  
25 or to be available to parties outside the school or school  
26 system for legitimate educational or research purposes.  
27 Materials that shall be considered as part of a student's  
28 record include, but are not necessarily limited to:  
29 identifying data, including a student's social security  
30 number; academic work completed; level of achievement records,  
31 including grades and standardized achievement test scores;

1 attendance data; scores on standardized intelligence,  
2 aptitude, and psychological tests; interest inventory results;  
3 health data; family background information; teacher or  
4 counselor ratings and observations; verified reports of  
5 serious or recurrent behavior patterns; and any other  
6 evidence, knowledge, or information recorded in any medium,  
7 including, but not limited to, handwriting, typewriting,  
8 print, magnetic tapes, film, microfilm, and microfiche, and  
9 maintained and used by an educational agency or institution or  
10 by a person acting for such agency or institution. However,  
11 the terms "records" and "reports" do not include:

12         1. Records of instructional, supervisory, and  
13 administrative personnel, and educational personnel ancillary  
14 to those persons, that are kept in the sole possession of the  
15 maker of the record and are not accessible or revealed to any  
16 other person except a substitute for any of such persons. An  
17 example of records of this type is instructor's grade books.

18         2. Records of law enforcement units of the institution  
19 that are maintained solely for law enforcement purposes and  
20 that are not available to persons other than officials of the  
21 institution or law enforcement officials of the same  
22 jurisdiction in the exercise of that jurisdiction.

23         3. Records made and maintained by the institution in  
24 the normal course of business that relate exclusively to a  
25 student in his or her capacity as an employee and that are not  
26 available for use for any other purpose.

27         4. Records created or maintained by a physician,  
28 psychiatrist, psychologist, or other recognized professional  
29 or paraprofessional acting in his or her professional or  
30 paraprofessional capacity, or assisting in that capacity, that  
31 are created, maintained, or used only in connection with the

1 provision of treatment to the student and that are not  
2 available to anyone other than persons providing such  
3 treatment. However, such records shall be open to a physician  
4 or other appropriate professional of the student's choice.

5 5. Directory information as defined in this section.

6 6. Other information, files, or data that do not  
7 permit the personal identification of a student.

8 7. Letters or statements of recommendation or  
9 evaluation that were confidential under Florida law and that  
10 were received and made a part of the student's educational  
11 records prior to July 1, 1977.

12 8. Copies of the student's fingerprints. No public  
13 educational institution shall maintain any report or record  
14 relative to a student that includes a copy of the student's  
15 fingerprints.

16 9. All examination and assessment instruments,  
17 including developmental materials and workpapers directly  
18 related thereto, which are prepared, prescribed, or  
19 administered under ss. 1003.43, 1008.22, and 1008.25.

20 Section 2. Section 1008.23, Florida Statutes, is  
21 amended to read:

22 1008.23 Confidentiality of assessment  
23 instruments.--All examination and assessment instruments,  
24 including developmental materials and workpapers directly  
25 related thereto, which are prepared, prescribed, or  
26 administered pursuant to ss. 1003.43, 1008.22, and 1008.25  
27 shall be confidential and exempt from the provisions of ss. ~~s.~~  
28 119.07(1), and from ~~s.~~ 1001.52, and 1002.22(3). Provisions  
29 governing access, maintenance, and destruction of such  
30 instruments and related materials shall be prescribed by rules  
31 of the State Board of Education.

1                   Section 3. The Department of Education shall study the  
2 feasibility of making available to parents previously  
3 administered copies of the Florida Comprehensive Assessment  
4 Test while still protecting the integrity of the exam. The  
5 Department of Education shall submit to the Senate and House  
6 of Representatives a feasibility study, including the  
7 approximate costs and a proposed timetable for implementation  
8 by December 31, 2003.

9                   Section 4. This act shall take effect upon becoming a  
10 law.

11  
12                   \*\*\*\*\*

13                   SENATE SUMMARY

14                   Excludes examination and assessment instruments from the  
15 definition of student records and reports. Assures that  
16 such instruments are confidential and not available to  
17 parents or students. Requires that the Department of  
18 Education conduct a study on making previously  
19 administered copies of the FCAT available to parents.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.