

By Senator Siplin

19-1054-04

1                                   A bill to be entitled  
2           An act relating to education assessment  
3           instruments; amending s. 1008.23, F.S.;  
4           allowing a student's parent or guardian and an  
5           accompanying assistant to review the questions  
6           and the student's answers to those questions on  
7           the Florida Comprehensive Assessment Test and  
8           other state-required academic assessment tests;  
9           providing conditions to such review; requiring  
10          the Department of Education to ensure that the  
11          department and the school districts honor  
12          requests for such review; providing for damages  
13          for violations; providing for costs and  
14          attorney's fees incurred in seeking compliance  
15          and payment of damages; providing for  
16          applicability; providing an effective date.

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

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20           Section 1. 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 s.  
28 119.07(1) and from s. 1001.52. Provisions governing access,  
29 maintenance, and destruction of such instruments and related  
30 materials shall be prescribed by rules of the State Board of  
31 Education. However, a student's parent or guardian,

1 accompanied by anyone whose assistance the parent or guardian  
2 wishes to have, may review, at the student's school and within  
3 21 calendar days after making the request, the questions on  
4 each section of the Florida Comprehensive Assessment Test  
5 given to the student, as well as the questions on each other  
6 state-required academic assessment test given to the student,  
7 and the student's answers to those questions. The Department  
8 of Education shall ensure that each such request is fully and  
9 timely responded to by personnel of the department as well as  
10 the school district in which the child resides or is enrolled.  
11 If such a request is not fully and timely responded to, the  
12 parent or guardian is entitled to receive damages of \$100 per  
13 day from the department until such compliance is achieved as  
14 well as reasonable costs and attorney's fees incurred by the  
15 parent or guardian in seeking such compliance and payment of  
16 damages.

17 Section 2. This act shall take effect July 1, 2004,  
18 and shall apply to every Florida Comprehensive Assessment Test  
19 and every other state-required academic test given after  
20 January 1, 2004.

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23 SENATE SUMMARY

24 Allows a student's parent or guardian and an accompanying  
25 assistant to review the questions and the student's  
26 answers to those questions on the Florida Comprehensive  
27 Assessment Test and other state-required academic  
28 assessment tests. Provides conditions to such review.  
29 Requires the Department of Education to ensure that the  
30 department and the school districts honor requests for  
31 such review. Provides for damages for violations.  
Provides for costs and attorney's fees incurred in  
seeking compliance and payment of damages. Provides for  
applicability to tests given after January 1, 2004.