

HB 0703

2004

1 A bill to be entitled
 2 An act relating to student assessment; providing a popular
 3 name; amending s. 1008.23, F.S.; providing a parent's
 4 right to review questions and answers of his or her child
 5 on specified assessment tests; providing Department of
 6 Education and school district responsibilities; providing
 7 penalties for noncompliance; reenacting s. 1003.49(1),
 8 F.S., relating to graduation and promotion requirements
 9 for publicly operated schools, to incorporate the
 10 amendment to s. 1008.23, F.S., in a reference; providing
 11 an effective date.

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 13 WHEREAS, the Legislature finds that the education of
 14 Florida's students is improved by parental involvement in the
 15 education of their children, and

16 WHEREAS, parental review of academic assessment tests
 17 administered to a child and the child's responses to test
 18 questions will further parental involvement, NOW, THEREFORE,

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. This act shall be known by the popular name the
 23 "Truth in Testing and A Parent's Right to Know Act."

24 Section 2. Section 1008.23, Florida Statutes, is amended
 25 to read:

26 1008.23 Confidentiality of assessment instruments.--

27 (1) All examination and assessment instruments, including
 28 developmental materials and workpapers directly related thereto,
 29 which are prepared, prescribed, or administered pursuant to ss.

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30 1003.43, 1008.22, and 1008.25 shall be confidential and exempt
 31 from the provisions of s. 119.07(1) and from s. 1001.52.
 32 Provisions governing access, maintenance, and destruction of
 33 such instruments and related materials shall be prescribed by
 34 rules of the State Board of Education.

35 (2) Notwithstanding the provisions of subsection (1) and
 36 any provision of law or rule to the contrary, a parent, who may
 37 be accompanied by an individual of the parent's choosing, shall
 38 have the right to review, at his or her child's school within 21
 39 days after a request, the questions and answers of his or her
 40 child on each section of the Florida Comprehensive Assessment
 41 Test and each other state or school district required academic
 42 assessment test administered to his or her child after January
 43 1, 2004. The Department of Education shall take all necessary
 44 steps to ensure that each such request is timely and fully
 45 responded to by personnel of the department and the school
 46 district in which the child is enrolled. If such a request is
 47 not responded to in a timely and complete manner, the parent
 48 shall be entitled to receive damages of \$100 per day from the
 49 department until compliance is achieved and to receive
 50 reasonable costs and attorney's fees incurred by the parent in
 51 seeking such required compliance and payment of damages.

52 Section 3. For the purpose of incorporating the amendment
 53 to section 1008.23, Florida Statutes, in a reference thereto,
 54 subsection (1) of section 1003.49, Florida Statutes, is
 55 reenacted to read:

56 1003.49 Graduation and promotion requirements for publicly
 57 operated schools.--

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58 (1) Each state or local public agency, including the
59 Department of Children and Family Services, the Department of
60 Corrections, the boards of trustees of universities and
61 community colleges, and the Board of Trustees of the Florida
62 School for the Deaf and the Blind, which agency is authorized to
63 operate educational programs for students at any level of grades
64 kindergarten through 12 shall be subject to all applicable
65 requirements of ss. 1003.43, 1008.23, and 1008.25. Within the
66 content of these cited statutes each such state or local public
67 agency or entity shall be considered a "district school board."

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