

1 learning coalition, the Agency for Workforce Innovation, or a
2 Voluntary Prekindergarten Education Program provider before,
3 on, or after the effective date of this exemption.

4 (2) A parent has the right to inspect and review the
5 individual Voluntary Prekindergarten Education Program record
6 of his or her child and to obtain a copy of such record.

7 (3) Confidential and exempt Voluntary Prekindergarten
8 Education Program records may be released to:

9 (a) The United States Secretary of Education, the
10 United States Secretary of Health and Human Services, and the
11 Comptroller General of the United States for the purpose of
12 federal audits.

13 (b) Individuals or organizations conducting studies
14 for institutions to develop, validate, or administer
15 assessments or improve instruction.

16 (c) Accrediting organizations in order to carry out
17 their accrediting functions.

18 (d) Appropriate parties in connection with an
19 emergency if the information is necessary to protect the
20 health or safety of the child or other individuals.

21 (e) The Auditor General in connection with his or her
22 official functions.

23 (f) A court of competent jurisdiction in compliance
24 with an order of that court pursuant to a lawfully issued
25 subpoena.

26 (g) Parties to an interagency agreement among early
27 learning coalitions, local governmental agencies, Voluntary
28 Prekindergarten Education Program providers, or state agencies
29 for the purpose of implementing the Voluntary Prekindergarten
30 Education Program.

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1 Agencies, organizations, or individuals receiving such
2 confidential and exempt records in order to carry out their
3 official functions must protect the records in a manner that
4 will not permit the personal identification of an enrolled
5 child or his or her parent by persons other than those
6 authorized to receive the records.

7 (4) This section is subject to the Open Government
8 Sunset Review Act of 1995 in accordance with s. 119.15, and
9 shall stand repealed October 2, 2010, unless reviewed and
10 saved from repeal through reenactment by the Legislature.

11 Section 2. The Legislature finds that it is a public
12 necessity that the individual records of a child enrolled in
13 the Voluntary Prekindergarten Education Program held by an
14 early learning coalition, the Agency for Workforce Innovation,
15 or a Voluntary Prekindergarten Education Program provider be
16 made confidential and exempt from public-records requirements.
17 The exemption for such records, which include assessment data,
18 health data, records of teacher observations, and personal
19 identifying information of an enrolled child and his or her
20 parent, is necessary for the Voluntary Prekindergarten
21 Education Program to work efficiently and effectively. If such
22 records were not made confidential and exempt, the
23 administration of the Voluntary Prekindergarten Education
24 Program would be significantly impaired since parents would be
25 less inclined to allow their children to participate in the
26 program because sensitive, personal information would be made
27 available to the public. The release of such records would
28 cause an unwarranted invasion into the life and privacy of
29 enrolled children and their parents thereby significantly
30 decreasing the number of program enrollees. The Legislature
31 finds that assessment data and records of teacher observations

1 contain sensitive, personal information regarding an enrolled
2 child and the child's progress in the Voluntary
3 Prekindergarten Education Program. Release of such information
4 could cause embarrassment to the child and could stifle the
5 child's progress in the program. The Legislature further finds
6 that it is a public necessity that an enrolled child's health
7 data be made confidential and exempt from public disclosure
8 because such data is of a sensitive and personal nature.
9 Matters of personal health are traditionally private and
10 confidential concerns between a patient and a health care
11 provider. The private and confidential nature of personal
12 health matters pervades both the public and private health
13 care sectors. For these reasons, an individual's expectation
14 of a right to privacy in all matters regarding his or her
15 personal health necessitates such exemption. Finally, the
16 Legislature finds that it is a public necessity that the
17 personal identifying information of a child enrolled in the
18 Voluntary Prekindergarten Education Program and the personal
19 identifying information of the child's parent be made
20 confidential and exempt from public disclosure. The release of
21 such information could endanger the safety and welfare of
22 4-year-old children, and the availability of such information
23 could lead to increased opportunities for child abduction or
24 identity theft.

25 Section 3. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2220

Removes exception for guardians to access child's records.
Removes references to entities that fall within definition of
"agency" because those references are unnecessary.
Makes grammatical changes.