



916162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2009	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 1008.24, Florida
Statutes, is amended to read:

1008.24 Test security.-

(3) (a) A district school superintendent, a president of a
public postsecondary educational institution, or a president of
a nonpublic postsecondary educational institution shall
cooperate with the Commissioner of Education in any



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12 investigation concerning the administration of a test
13 administered pursuant to state statute or rule.

14 (b) The identity of a school or postsecondary institution,
15 the personally identifiable information of any personnel of any
16 school district or postsecondary institution, or any specific
17 allegations of misconduct obtained or reported pursuant to an
18 investigation conducted by the Department of Education of a
19 testing impropriety are confidential and exempt from the
20 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
21 Constitution until the conclusion of the investigation or until
22 such time as the investigation ceases to be active. For the
23 purpose of this paragraph, an investigation shall be deemed
24 concluded upon a finding that no impropriety has occurred, upon
25 the conclusion of any resulting preliminary investigation
26 pursuant to s. 1012.796, upon the completion of any resulting
27 investigation by a law enforcement agency, or upon the referral
28 of the matter to an employer who has the authority to take
29 disciplinary action against an individual who is suspected of a
30 testing impropriety. For the purpose of this paragraph, an
31 investigation shall be considered active so long as it is
32 ongoing and there is a reasonable, good faith anticipation that
33 an administrative finding will be made in the foreseeable
34 future. This paragraph is subject to the Open Government Sunset
35 Review Act in accordance with s. 119.15, and shall stand
36 repealed on October 2, 2014, unless reviewed and saved from
37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that certain records related to the investigation of a
40 testing impropriety, which are held by the Department of



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41 Education, be made confidential and exempt from public-records
42 requirements until an investigation conducted by the department
43 is concluded or until such investigation becomes inactive. The
44 decisions relating to accountability and to testing in Florida
45 are of statewide interest and there is a strong public interest
46 in the circumstances surrounding an investigation of a testing
47 impropriety, including the identity of a school or postsecondary
48 institution and the actions by teachers, administrators,
49 paraprofessionals, or other individuals which must be uncovered
50 through a comprehensive investigation that may involve
51 statistical and other analyses. The release of information
52 before an investigation is concluded may reveal sensitive or
53 personal information that could cause unwarranted damage to the
54 names or reputations of the individuals involved.

55 Section 3. This act shall take effect July 1, 2009.

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled

62 An act relating to public records; amending s.
63 1008.24, F.S.; providing an exemption from public-
64 records requirements for personally identifiable
65 information or allegations of misconduct obtained or
66 reported in connection with an investigation of a
67 testing impropriety conducted by the Department of
68 Education; providing that the exemption applies until
69 the investigation is concluded or becomes inactive;



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providing for future legislative review and repeal of
the exemption under the Open Government Sunset Review
Act; providing a statement of public necessity;
providing an effective date.