

**STATE BOARD OF EDUCATION**  
**Consent Item**  
February 9, 2022

**SUBJECT:** Approval of Amendment to Rule 6A-10.042, Test Administration and Security

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1008.23(1) and 1008.24(1), Florida Statutes

**EXECUTIVE SUMMARY**

Prior to the 2021 Legislative Session, in accordance with section (s.) 1008.23, Florida Statutes (F.S.), all examination and assessment instruments, including developmental materials and work papers, related to test preparation, prescription and administration for the assessments under the authority of ss. 1008.22 and 1008.25, F.S., were required to be considered confidential and exempt from the provisions of ss. 119.07(1) and 1001.52, F.S. Additionally, in accordance with s. 1008.24, F.S., a person who willingly violates the test security rules adopted in Rule 6A-10.024, Florida Administrative Code (F.A.C.), for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants or administered by schools districts pursuant to s. 1008.22, F.S., is considered to have committed a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083., F.S. The assessments included in ss. 1008.23 and 1008.24, F.S., prior to the 2021 Legislative Session, include the following: National Assessment of Education Progress (NAEP) and other similar national and international assessments; statewide, standardized general assessments in grades 3 through 10 English Language Arts (ELA), grades 3 through 8 Mathematics, grades 5 and 8 Science, and end-of-course (EOC) assessments in Algebra 1, Geometry, Biology 1, Civics and U.S. History; and statewide, standardized alternate assessments for students with significant cognitive disabilities whose participation in the general statewide assessment program is not appropriate, even with accommodations. Rule 6A-10.042, F.A.C., describes, in accordance with ss. 1008.23 and 1008.24, F.S. the test security rules required of any persons involved in the administration of these tests. Following the 2021 Legislative Session, new assessments covered under the existing protections for s. 1008.22, F.S., include the SAT and ACT and for s. 1008.25, F.S., include the Coordinate Screening and Progress Monitoring System.

During the 2021 Legislative Session, s. 1008.23 and 1008.24, F.S., were amended to incorporate additional statutes to make the assessments associated with those statutes exempt from public record disclosures and to make test security violations regarding the assessments associated with those statutes punishable as a misdemeanor of the first degree, as provided in ss. 775.082 and 775.083., F.S. Both ss. 1008.23 and 1008.24, F.S., now include the same list of statutes, which in addition to ss. 1008.22 and 1008.25, F.S., now include the following: ss 1002.69 (FLKRS), 1003.52 (DJJ Common Assessment), 1003.56 (ACCESS for ELLs), 1007.25 (FCLE), 1007.35 (PSAT/NMSQT and PreACT), and 1012.56 (Florida's teacher certification examinations). This amendment, therefore, seeks to add the assessments associated with those statutes to the list of assessments that are regulated by this Rule.

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**Supporting Documentation Included:** Proposed Rule 6A-10.042, F.A.C.

**Facilitator:** Juan Copa, Deputy Commissioner; Division of Accountability, Research and Measurement