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## DIGEST

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HB 718 Engrossed

2015 Regular Session

Schroder

**Abstract:** Provides relative to the collection and sharing of certain student information.

Present law (R.S. 17:3914) prohibits the collection of certain student information by local public school systems and charter schools unless the information is voluntarily disclosed by the parent or legal guardian. Prohibits (beginning June 1, 2015) local school system and charter school officials and employees from sharing personally identifiable student information with local school board members and any other person or public or private entity with certain exceptions and in accordance with State Board of Elementary and Secondary Education regulation or applicable law. Prohibits access to public school computer systems where student information is stored with certain exceptions. Provides for penalties for violations of present law. Requires the state Dept. of Education to develop a system of unique student identification numbers not later than May 1, 2015. Requires local public school boards to assign such numbers to every student not later than June 1, 2015, and provides that such numbers shall not include or be based on social security numbers. Defines "parent or legal guardian" as a student's parent, legal guardian, or other person responsible for the student.

Proposed law changes the June 1st dates on the effectiveness of present law prohibition on sharing student information and the required assignment of identification of numbers to Aug. 1, 2015. Proposed law adds to present law exceptions, the sharing of student information from prior school years for completing or correcting required submissions to the department or responding to financial audits and deletes the requirement that exceptions to present law prohibitions be in accordance with State Board of Elementary and Secondary Education regulation. Includes entities that are responsible for a student in present law definition of "parent or legal guardian". Otherwise retains present law.

Present law requires public school governing authorities annually to provide a parental consent form (for students beginning in the eighth grade) that contains a statement notifying a student's parent or legal guardian of what student information will be collected and a statement that a student's parent or legal guardian acknowledges that failure to provide written consent for the collection and disclosure of such information may result in delays or prevent successful application for admission to a postsecondary educational institution and for state and federal student financial aid. Requires public school governing authorities, postsecondary educational institutions, and the Office of Student Financial Assistance to destroy the data collected not later than five years after the student graduates, unless otherwise required by state or federal law or regulation. Proposed law provides that such consent shall continue unless withdrawn in writing and requires annual notification to parents as to the right and process used to withdraw consent. Deletes public school governing authorities from

present law requirement to destroy data and adds the Board of Regents to such requirement. Otherwise retains present law.

Present law permits local public school boards and charter schools to contract with a private entity for student and other education services and prohibits a contractor from allowing access to, releasing, or allowing the release of such student information except as specified in the contract. Requires that contracts include specified requirements for protection of student information. Requires a contractor to return student information that has been removed from the contractor's servers to the local school board upon termination of the contract. Proposed law additionally permits such contracts with a public entity and excludes certain initial contracts for goods, equipment, or instructional materials acquired pursuant to present law (relative to the procurement of certain materials and supplies) from present law requirements relative to the protection of student information. Proposed law prohibits a contractor from using student information to conduct predictive modeling to limit the educational opportunities of students. Otherwise retains present law.

Present law provides that present law shall not prohibit a school system employee employed at the school and a person authorized by the superintendent of the school system from having access to a student's records as may be necessary to perform his duties. Proposed law provides that present law shall apply to a person employed in a public school (whether an employee of the system or not). Specifies that student records provided or accessed pursuant to present law and proposed law shall be in accordance with local public school board policy and deletes the condition that the records be provided or accessed as necessary to perform his duties.

Present law (R.S. 17:3913) requires the state Dept. of Education and each local education agency that has a website to post by Jan. 1, 2015, certain information regarding agreements providing for the transfer of personally identifiable student information as provided in present law. Requires that such information be made available on the respective website no later than 10 business days following the execution of an agreement providing for a transfer of personally identifiable student information and remain available for the duration of the agreement. Further requires that the website contain information on a process by which parents of students attending public schools may register a complaint related to the unauthorized transfer of personally identifiable student information.

Proposed law requires each public school governing authority to make the information available at the main office of the governing authority instead of on its website. Changes present law references to "local education agencies" to "public school governing authorities". Otherwise retains present law.

Effective July 1, 2015.

(Amends R.S. 17:3913(A)(2), (C)(intro. para.) and (2), and (D), 3914(B)(3), (C)(2)(intro. para.) and (3), (F)(1), (2), and (4), (G), (H), (K)(3)(c)(ii) and (4), and 3996(B)(38); Adds R.S. 17:3914(C)(2)(e), (F)(5), and (K)(3)(d))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Prohibit a contractor from using student information to conduct predictive modeling to limit educational opportunities instead of to direct such opportunities.
2. Relative to proposed law exclusion of certain initial contracts for services acquired from certain present law requirements, exclude instructional materials from such requirement instead of services.
3. Add entities that are responsible for a student to present law definition of "parent or legal guardian".
4. Require each public school governing authority to make student information available at the main office of the governing authority instead of on its website.