

RÉSUMÉ DIGEST

ACT 228 (HB 718)

2015 Regular Session

Schroder

Existing 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 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. Prohibits access to public school computer systems where student information is stored with certain exceptions. Provides for penalties for violations. Prior law prohibited such sharing beginning June 1, 2015, and required that the exceptions be in accordance with State Board of Elementary and Secondary Education regulation or applicable law.

Existing law requires the state Dept. of Education to develop a system of unique student identification numbers and requires local public school boards to assign such numbers to every student. Defines "parent or legal guardian" as a student's parent, legal guardian, or other person responsible for the student. Prior law required the numbers to be assigned by June 1, 2015.

New law changes the June 1st dates on the effectiveness of the prohibition on sharing student information and the deadline for assignment of identification of numbers to Aug. 1, 2015. New law authorizes the sharing of student information from school years prior to 2015-2016 for completing or correcting required submissions to the department or responding to financial audits. Deletes the requirement that exceptions to existing law prohibitions be in accordance with State Board of Elementary and Secondary Education regulation. Adds to definition of "parent or legal guardian" to include entities that are responsible for a student.

Existing 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 that student data collected and disclosed for such postsecondary education purposes be destroyed not later than five years after the student graduates, unless otherwise required by law or regulation. Prior law included public school governing authorities among those required to destroy student data.

New law provides that such parental consent shall continue unless withdrawn in writing and requires annual notification to parents as to the right and process used to withdraw consent. New law deletes public school governing authorities from requirement to destroy data and adds the Board of Regents to such requirement.

Existing law permits local public school boards and charter schools to contract with a private entity for education services. Prohibits a contractor from allowing access to, releasing, or allowing the release of 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. New law additionally permits such contracts with a public entity and excludes certain existing law (relative to the procurement of certain materials and supplies) from requirements relative to the protection of student information. New law prohibits a contractor from using student information to conduct predictive modeling to limit the educational opportunities of students.

Existing law provides relative to access to student records by school personnel. New law specifies that the access that is not prohibited is access in accordance with school board policy. New law expands applicability of existing law to include employees in a school who are not school system employees.

Existing law (R.S. 17:3913) requires the state Dept. of Education to post on its website, certain information regarding agreements providing for the transfer of personally identifiable

student information. Prior law provided the same requirement for each local education agency that had a website.

Existing law further requires that such information be made available 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 information shall include a process for parents of students attending public schools to register a complaint related to the unauthorized transfer of personally identifiable student information.

New law requires each public school governing authority, instead of each local education agency, to make the information available at the main office of the governing authority, instead of on its website.

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))