

SENATE BILL NO. 262

BY SENATOR NEVERS

1 AN ACT

2 To enact R.S. 17:100.8, relative to students; to require the governing authority of each public
3 elementary and secondary school that collects biometric information from students
4 to develop, adopt, and implement policies governing the collection, storage, and use
5 of such information; to provide relative to policy guidelines and requirements; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:100.8 is hereby enacted to read as follows:

9 **§100.8. Student biometric information; collection and use**

10 **A. For the purposes of this Section, "biometric information" means the**
11 **noninvasive electronic measurement and evaluation of any physical**
12 **characteristics that are attributable to a single person, including fingerprint**
13 **characteristics, eye characteristics, hand characteristics, vocal characteristics,**
14 **facial characteristics, and any other physical characteristics used for the**
15 **purpose of electronically identifying that person with a high degree of certainty.**

16 **B. The governing authority of each public elementary and secondary**
17 **school that collects biometric information from students shall develop, adopt,**
18 **and implement policies governing the collection and use of such information**
19 **that, at a minimum, shall:**

20 **(1) Contain a full explanation of what type of biometric information will**
21 **be collected, how it will be collected and stored, and the purposes for which such**
22 **information will be used.**

23 **(2) Require written permission from the student's parent or other legal**
24 **guardian, or the student if he or she is eighteen years of age or older, prior to**
25 **the collection of any biometric information. Such written permission shall be**
26 **obtained on a form that is created for the express purpose of obtaining the**
27 **required permission. The granting of permission shall not be included as a part**

1 of any form used for enrollment purposes or other form required by the school's
2 governing authority for any other purpose.

3 (3) Provide that any biometric information collected from a student
4 shall be used only for identification or fraud prevention purposes.

5 (4) Ensure that a student's biometric information shall not be disclosed
6 to a third party without the written permission of the student's parent or other
7 legal guardian, or the student if he or she has reached the age of eighteen, unless
8 the disclosure is required by court order.

9 (5) Provide for the secure storage, transmission, and protection of all
10 biometric information from unauthorized disclosure.

11 (6) Require that student biometric information be encrypted using an
12 algorithmic process which transforms data into a form in which there is a low
13 probability of assigning meaning to such information without use of a
14 confidential process or key.

15 (7) Ensure that the use of a student's biometric information is
16 discontinued upon:

17 (a) The student's graduation or withdrawal from school.

18 (b) Receipt of a written request to discontinue use of such information
19 from the student's parent or other legal guardian, or the student if he or she is
20 eighteen years of age or older.

21 (8) Require that all biometric information collected from a student shall
22 be destroyed within thirty days after use of such information is discontinued.

23 C. A student shall not be refused or denied any services due to the
24 failure of the student's parent or other legal guardian, or the student if he or she
25 is eighteen years of age or older, to provide written consent as provided in
26 Subsection B of this Section.

27 D. Any collection of student biometric information shall comply with all
28 applicable state and federal law and requirements, including the Federal Family
29 Educational Rights Privacy Act of 1974.

30 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____