

2016 Regular Session

SENATE BILL NO. 294

BY SENATOR WHITE

STUDENTS. Provides relative to the release of student information in a health or safety emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3914(H) and to enact R.S. 17:3914(C)(2)(f), relative to the
3 release of student information in certain emergency situations; to require local school
4 boards to adopt policies for that purpose; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3914(H) is hereby amended and reenacted and R.S.
8 17:3914(C)(2)(f) is hereby enacted to read as follows:

9 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
10 parental access; penalties

11 * * *

12 C. * * *

13 (2) Beginning August 1, 2015, no official or employee of a city, parish, or other local
14 public school system shall provide personally identifiable student information to any
15 member of the school board or to any other person or public or private entity, except such
16 an official or employee may, in accordance with applicable state and federal law:

17 * * *

1 **(f) And pursuant to a policy adopted by the local public school board in**
2 **accordance with Paragraph (H)(2) of this Section, release student information**
3 **in case of a health or safety emergency.**

4 * * *

5 H.**(1)** Nothing in this Section shall prohibit a person employed in a public
6 school or other person authorized by the superintendent of the public school or
7 school system from being provided or having access to a student's records in
8 accordance with a policy adopted by the local public school board for such purpose.

9 **(2) Each local public school board shall adopt a policy for the release of**
10 **student information in case of a health or safety emergency. The policy shall**
11 **contain at a minimum specifications of the circumstances that constitute such**
12 **emergencies and a list of persons to whom the information may be disclosed in**
13 **those circumstances. The policy shall be narrowly tailored to limit the**
14 **information to be disclosed to the minimum necessary to address the**
15 **emergency.**

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Laura Gail Sullivan.

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Present law provides that all personally identifiable information is protected as a right to privacy under the state and federal constitutions. Provides that "personally identifiable information" is information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual. Provides that "personally identifiable information" includes, among other things, information that can be used to distinguish or trace an individual's identity such as full name, social security number, date and place of birth, mother's maiden name, or biometric records and information that is linked or linkable to an individual such as medical, educational, financial, and employment information.

Proposed law retains present law.

Present law, beginning August 1, 2015, prohibits any official or employee of a local public school system from providing personally identifiable student information to any other person or public or private entity.

Present law provides for exceptions, including that, in accordance with applicable present law, certain information may be provided to the local school board, the state Dept. of Education, or the Board of Elementary and Secondary Education for limited purposes including reporting, monitoring, auditing, and accountability.

Present law specifies that nothing in present law shall prohibit a person employed in a public school or other person authorized by the superintendent of the public school or school system from being provided or having access to a student's records in accordance with a policy adopted by the local public school board for such purpose.

Proposed law retains present law and requires each local public school board to adopt a policy for the release of student information in case of a health or safety emergency. Requires the policy to contain at a minimum specifications of circumstances that constitute such emergencies and a list of persons to whom the information may be disclosed in those circumstances. Further requires the policy to limit the information to be disclosed to the minimum necessary to address the emergency.

Proposed law authorizes the release of student information pursuant to the policy adopted in accordance with proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3914(H); adds R.S. 17:3914(C)(2)(f))