

ACT No. 228

2015 Regular Session

HOUSE BILL NO. 718

BY REPRESENTATIVE SCHRODER

1 AN ACT

2 To amend and reenact R.S. 17:3913(A)(2), (C)(introductory paragraph) and (2), and (D),
3 3914(B)(3), (C)(2)(introductory paragraph) and (3), (F)(1), (2), and (4), (G), (H),
4 (K)(3)(c)(ii) and (4), and 3996(B)(38) and to enact R.S. 17:3914(C)(2)(e), (F)(5), and
5 (K)(3)(d), relative to student information; to provide relative to requirements for
6 information on the transfer of personal student information to be made available to
7 the public; to provide relative to exceptions to the prohibition on the collection and
8 sharing of student information; to extend time lines relative to such prohibition and
9 the assignment of student identification numbers; to provide relative to prohibitions,
10 requirements, and exceptions with respect to certain contracts and access to student
11 information pursuant to such contracts; to provide relative to parental consent and
12 required notification with respect to the withdrawal of such consent; to require the
13 Board of Regents to destroy certain data; to provide for effectiveness; and to provide
14 for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:3913(A)(2), (C)(introductory paragraph) and (2), and (D),
17 3914(B)(3), (C)(2)(introductory paragraph) and (3), (F)(1), (2), and (4), (G), (H),
18 (K)(3)(c)(ii) and (4), and 3996(B)(38) are hereby amended and reenacted and R.S.
19 17:3914(C)(2)(e), (F)(5), and (K)(3)(d) are hereby enacted to read as follows:

20 §3913. Transfer of personally identifiable student information

21 A.

22 * * *

23 (2) The purpose of this Section is to increase awareness of the transfer of
24 student information by requiring the state Department of Education and ~~local~~

1 ~~education agencies public school governing authorities~~ to ~~publicize~~ make such
2 information available to the public ~~on their Internet websites~~.

3 * * *

4 C. By January 1, 2015, ~~each local education agency that has a website~~ the
5 governing authority of each public school shall make available ~~on its website~~ at the
6 main office of the governing authority information about the transfer of personally
7 identifiable student information. Such information shall include but need not be
8 limited to all of the following, to the extent such information is obtainable:

9 * * *

10 (2) A copy of the signed agreement between the ~~local education agency~~
11 governing authority of the public school and the authorized recipient.

12 * * *

13 D. The information specified in Paragraphs (B)(1) through (5) and (C)(1)
14 through (5) of this Section shall be made available ~~on the respective website~~ as
15 specified in this Section no later than ten business days following the execution of
16 an agreement providing for a transfer of personally identifiable student information
17 and shall remain available for the duration of the agreement.

18 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
19 parental access; penalties

20 * * *

21 B.

22 * * *

23 (3) For purposes of this Section, "parent or legal guardian" shall mean a
24 student's parent, legal guardian, or other person or entity responsible for the student.

25 C.

26 * * *

27 (2) Beginning ~~June 1, 2015~~ August 1, 2015, no official or employee of a city,
28 parish, or other local public school system shall provide personally identifiable
29 student information to any member of the school board or to any other person or
30 public or private entity, except such an official or employee may, in accordance with

1 ~~State Board of Elementary and Secondary Education regulation or applicable state~~
2 and federal law:

3 * * *

4 (e) Provide student information for a school year prior to the 2015-2016
5 school year for the purpose of completing or correcting required submissions to the
6 state Department of Education or responding to financial audits.

7 * * *

8 (3) By not later than May 1, 2015, the state Department of Education shall
9 develop a system of unique student identification numbers. By not later than ~~June~~
10 ~~1, 2015~~ August 1, 2015, each local public school board shall assign such a number
11 to every student enrolled in a public elementary or secondary school. Student
12 identification numbers shall not include or be based on social security numbers, and
13 a student shall retain his student identification number for his tenure in Louisiana
14 public elementary and secondary schools.

15 * * *

16 F.(1) A city, parish, or other local public school board may contract with a
17 public or private entity for student and other education services, and pursuant to such
18 contract, student information, including personally identifiable information and
19 cumulative records, may be transferred to computers operated and maintained by the
20 ~~private~~ entity for such purpose.

21 (2) No contractor pursuant to this Subsection shall allow access to, release,
22 or allow the release of student information to any person or entity except as specified
23 in the contract. No contractor shall use student information to conduct predictive
24 modeling for the purpose of limiting the educational opportunities of students.

25 * * *

26 (4) The requirements of Paragraph (3) of this Subsection shall not apply to
27 a contract entered into prior to June 1, 2015, for the acquisition of goods, equipment,
28 or instructional materials purchased in accordance with R.S. 38:2212.1(E), (F), or
29 (N) but shall apply to any extension or renewal of such contract.

1 (5) Any person who knowingly and willingly violates the provisions of this
2 Subsection shall be fined not more than ten thousand dollars or imprisoned for not
3 more than three years, or both.

4 G. Except as provided in Paragraph (F)~~(4)~~(5) of this Section, a person who
5 violates any provision of this Section shall be punished by imprisonment for not
6 more than six months or by a fine of not more than ten thousand dollars.

7 H. Nothing in this Section shall prohibit a ~~school system employee employed~~
8 at the person employed in a public school and a or other person authorized by the
9 superintendent of the public school or school system from being provided or having
10 access to a student's records as may be necessary to perform his duties in accordance
11 with a policy adopted by the local public school board for such purpose.

12 * * *

13 K.

14 * * *

15 (3)

16 * * *

17 (c) The form will contain the following:

18 * * *

19 (ii) ~~A statement whereby a student's parent or legal guardian acknowledges~~
20 Notification that the failure to provide written consent for the collection and
21 disclosure of the student's information as provided in this Subsection may result in
22 delays or may prevent successful application for admission to a postsecondary
23 educational institution and for state and federal student financial aid. This statement
24 shall be displayed prominently and shall be printed in bold type.

25 (d) Consent provided by a student's parent or legal guardian shall continue
26 unless such consent is withdrawn in writing. Annual notification shall be provided
27 to the student's parent or legal guardian as to the right and process used to withdraw
28 consent.

29 (4) ~~The governing authority of each public school, each~~ Each Louisiana
30 postsecondary ~~educational~~ education institution, ~~the Board of Regents,~~ and the Office

1 of Student Financial Assistance shall destroy all data collected for purposes of this
2 Subsection not later than five years after the student graduates, unless otherwise
3 required by state or federal law or regulation.

4 * * *

5 §3996. Charter schools; exemptions; requirements

6 * * *

7 B. Notwithstanding any state law, rule, or regulation to the contrary and
8 except as may be otherwise specifically provided for in an approved charter, a
9 charter school established and operated in accordance with the provisions of this
10 Chapter and its approved charter and the school's officers and employees shall be
11 exempt from all statutory mandates or other statutory requirements that are
12 applicable to public schools and to public school officers and employees except for
13 the following laws otherwise applicable to public schools with the same grades:

14 * * *

15 (38) Student information, R.S. 17:3913 and 3914.

16 * * *

17 Section 2. This Act shall become effective on July 1, 2015; if vetoed by the governor
18 and subsequently approved by the legislature, this Act shall become effective on July 1,
19 2015, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____