

Regular Session, 2014

HOUSE BILL NO. 946

BY REPRESENTATIVE SCHRODER

STUDENTS: Provides for limitations and prohibitions on the collection and sharing of student information and provides penalties for violations

1 AN ACT

2 To enact R.S. 17:3913, relative to student information; to limit the type of information to be
3 collected on students; to prohibit the collection of certain information; to prohibit the
4 transmittal or sharing of student information; to provide for parental access to certain
5 student information; to provide for student identification numbers; to provide
6 definitions; to provide criminal penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3913 is hereby enacted to read as follows:

9 §3913. Student information; privacy; legislative intent; definitions; prohibitions;
10 parental access; penalties

11 A. The legislature hereby declares that all personally identifiable information
12 is protected as a right to privacy under the Constitution of Louisiana and the
13 Constitution of the United States.

14 B.(1) For purposes of this Section, "personally identifiable information" is
15 defined as information about an individual including but not limited to the following:

16 (a) Any information that can be used to distinguish or trace an individual's
17 identity such as name, social security number, date place of birth, mother's maiden
18 name, or biometric records.

19 (b) Any other information that is linked or linkable to an individual such as
20 medical, educational, financial, and employment information.

1 (c) Two or more pieces of information that separately or when linked
2 together can be used to reasonably ascertain the identity of the person.

3 (2) For purposes of this Section, "aggregate data" are statistics that relate to
4 broad classes, groups, or categories from which it is not possible to distinguish the
5 properties of individuals.

6 C. (1) Notwithstanding any provision of this Subpart or any other law to the
7 contrary, student information collected by a city, parish, or other local public school
8 for any purpose shall be limited to information required for providing educational
9 services to students that is contained in a student's cumulative record such as contact
10 information, exceptionalities, homework completion records, grades, grade level,
11 conference records, and the student's Individualized Education Program. The
12 cumulative record shall not include any additional personally identifiable
13 information such as social security number, religious affiliation, student hobbies or
14 interests, biometric information, digital identity, or Internet Protocol address. A
15 student's cumulative record shall be considered the personal property of the student
16 or his parent or legal guardian and shall not be shared by the city, parish, or other
17 local public school with any public or private entity. A parent or legal guardian shall
18 have full access to his child's cumulative record and shall be granted copies of all
19 information contained in the record within three days of a written request from the
20 parent or legal guardian.

21 (2) The only student information a city, parish, or other local public school
22 may provide to a local school board, the state Department of Education, or the State
23 Board of Elementary and Secondary Education shall be aggregate information and
24 aggregate data and only for the purpose of satisfying reporting requirements of the
25 United States Department of Education.

26 (3) By not later than August 1, 2014, student identification numbers shall be
27 distinctive numerical identifiers assigned to every student enrolled in a Louisiana
28 public elementary or secondary school. Such identifiers shall not include or be based

1 on social security numbers and shall be used for students as they transition through
2 or transfer between Louisiana public elementary and secondary schools.

3 D.(1) Except for a student's parent or legal guardian, teacher of record,
4 school principal, school registrar, or local school system employee as defined in
5 Paragraph (2) of this Subsection, no person or public or private entity shall be
6 granted access to a public school computer system where any student information is
7 stored unless authorized in writing by the student's parent or legal guardian.

8 (2) "Local school system employee" means an employee designated by the
9 principal or local superintendent to have access only to student information
10 necessary to perform his duties through the public school computer system and shall
11 not include any person or public or private entity providing services to a school or
12 school system through a third party contract.

13 E. A person who violates any provision of this Section shall be punished by
14 imprisonment for not more than six months or by a fine of not more than ten
15 thousand dollars.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Schroder

HB No. 946

Abstract: Prohibits the collection of personally identifiable information on students; prohibits the transmittal or sharing of student information; and provides penalties for violations.

Proposed law, relative to student information collected, prohibits local public schools from collecting, transmitting, or sharing such information with any person, entity, or agency. Provides that student information collected by a local public school be limited to information required for providing educational services to students that is contained in a student's cumulative record and prohibits the collection of additional personally identifiable information. Defines "personally identifiable information" for purposes of proposed law. Provides for parental access to a student's cumulative record. Prohibits a person (with certain exceptions) and public or private entities from being granted access to a public school computer system where any student information is stored except if authorized by the student's parent or legal guardian.

Requires that student identification numbers shall be distinctive numerical identifiers assigned to every public school student and shall not include or be based on social security numbers.

Provides that a violation of proposed law is punishable by imprisonment of up to six months or by a fine of up to \$10,000.

(Adds R.S. 17:3913)