

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1076 by Representative Schroder

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

Synopsis of Senate Amendments

1. Requires public school governing authorities, with parental permission, to collect and disclose specified student information only to La. postsecondary education institutions and the Office of Student Financial Assistance for purposes of processing college admission applications and student financial aid. Requires public school governing authorities annually to provide a parental consent form (for students beginning in the eighth grade) that contains specified information for such purpose.
2. Allows public schools and school boards to share certain student information in accordance with BESE regulation or state and federal law.
3. Allows a student who has reached the legal age of majority or is emancipated the right to access his information and provide permission for the sharing of his information.
4. Allows persons authorized by the state, including the legislative auditor, to have access to information on students under 18 for auditing purposes unless authorized by contract.
5. Prohibits the sale, transfer, sharing, or processing of student information for commercial purposes.
6. Requires a contractor storing student information to return the information to the local school board upon termination of the contract.
7. Provides that proposed law penalties apply to persons who knowingly and willingly violate proposed law.
8. Clarifies that proposed law applies to charter schools, charter school governing authorities, and organizations contracted to operate charter schools.

Digest of Bill as Finally Passed by Senate

Proposed law 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 (beginning June 1, 2015) 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. Provides that such school officials and employees, in accordance with State Board of Elementary and Secondary Education (BESE) regulation or applicable state and federal law, may:

- (1) Provide a student's unique identification number and aggregate data to the local school board, state Dept. of Education, or BESE, solely for the purpose of satisfying state and federal reporting requirements.

- (2) Provide student information that is not personally identifiable to the state Dept. of Education for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements. Prohibits any official or employee of the state Dept. of Education from sharing such information with any person or public or private entity located outside of Louisiana, other than for purposes of academic analysis of assessments.
- (3) Provide a student's personally identifiable information to any person or public or private entity if the sharing of the information has been authorized in writing by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Requires any recipient of such information to maintain the confidentiality of the information. Further provides that any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to the penalties provided in proposed law.
- (4) Provide for the transfer of student information pursuant to the provisions of present law that allow public school principals to transfer student records when a student enrolls or seeks enrollment in another school.

Prohibits a local public school system, local or state governmental agency, public or private entity, or any person with access to personally identifiable student information from selling, transferring, sharing, or processing any student data for use in commercial advertising or marketing, or any other commercial purpose, unless otherwise stipulated in a contract for services as provided in proposed law. Provides that this prohibition shall not apply to a student's parent or legal guardian or a student who has reached the legal age of majority.

Requires public school governing authorities, with the permission of a student's parent or legal guardian, to collect specified personally identifiable information for each student enrolled in grades eight through 12 which shall be disclosed, upon request, only to a La. postsecondary educational institution and the Office of Student Financial Assistance, solely for the purposes of processing college admission applications and for state and federal financial aid and related grant program reporting.

Further 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 of the disclosure specified in proposed law above and a statement whereby a student's parent or legal guardian acknowledges that failure to provide written consent for the collection and disclosure of this 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 public school governing authorities, postsecondary educational institutions, and the Office of Student Financial Assistance to destroy the data collected not later than five years after the student graduates, unless otherwise required by state or federal law or regulation.

Prohibits access to public school computer systems where student information is stored except to the following:

- (1) A student who has reached the age of 18 or is judicially emancipated or emancipated by marriage and the parent or legal guardian of a student who is under the age of 18 and not emancipated. For a student who has reached the age of 18 or is emancipated, such access is limited to information about the student. For the parent or legal guardian of a student who has not reached the age of 18 and is not emancipated, such access shall be limited to information about the student. A student who has reached the age of 18 or is emancipated and the parent or legal guardian of a student who has not reached the age of 18 and is not emancipated may authorize, in writing, another

- person to access such information.
- (2) A teacher of record, with respect to his current students.
 - (3) The school principal and school registrar.
 - (4) A school system employee employed at the school and designated by the principal. Restricts this access to job-related duties.
 - (5) A person authorized by the superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
 - (6) A person authorized by the state to audit student records.

Allows the following to access a computer system of a local public school system on which student information for students from throughout the system is stored:

- (1) The superintendent of the school system.
- (2) A school system employee designated by the superintendent. Restricts this access to job-related duties.
- (3) A person authorized by the superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
- (4) A person authorized by the state to audit student records.

Requires any person given access to a public school computer system, except a parent or legal guardian, to maintain the confidentiality of the student information accessed. Prohibits any person who has access to student information reported to the state Dept. of Education from converting student information in manner that can be used to identify a student.

Permits local public school boards and charter schools to contract with a private entity for student and other education services and prohibits a contractor from allowing access to, releasing, or allowing the release of such 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.

Requires the state Dept. of Education to develop a system of unique student identification numbers not later than May 1, 2015. Requires local public school boards to assign such numbers to every student not later than June 1, 2015, and provides that such numbers shall not include or be based on social security numbers.

Prohibits BESE and the state Dept. of Education from requiring a local public school system to limit a student's learning opportunity or opportunities to explore any occupation based upon predictive modeling.

Provides for penalties as follows:

- (1) A private contractor who violates the provisions of proposed law shall be fined not more than \$10,000 or imprisoned for not more than three years, or both.
- (2) A person who violates the provisions of proposed law shall be punished by imprisonment for not more than six months or by a fine of not more than \$10,000.

Defines "personally identifiable information" as information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual,

including a student's full name, social security number, date and place of birth, mother's maiden name, or biometric records. Definition also includes any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.

Defines "aggregate data" as statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals.

Specifies that proposed law is applicable to each charter school, its governing authority, and any education management organization under contract to operate a charter school.

(Adds R.S. 17:3913 and 3996(B)(34))