

Regular Session, 2014

HOUSE BILL NO. 378

BY REPRESENTATIVE GEYMANN

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 without parental consent; to provide
5 exceptions; to require the State Board of Elementary and Secondary Education to
6 promulgate rules to provide a process for obtaining consent from parents for the
7 sharing of student information; to provide definitions; to provide criminal penalties;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

11 §3913. Student information; privacy; legislative intent; definitions; prohibitions;
12 rules; penalties

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

16 B. For purposes of this Section, "personally identifiable information" is
17 defined as two or more pieces of information that separately or when linked together
18 can identify the person in a manner that is not known or readily available to the

1 public. Personally identifiable information includes but is not limited to social
2 security number, religious affiliation, student disability, and student hobbies or
3 interests.

4 C.(1) Notwithstanding any provision of this Subpart or any other law to the
5 contrary, student information collected by a city, parish, or other local public school
6 board or school, the state Department of Education, or the State Board of Elementary
7 and Secondary Education for any purpose shall be limited to basic information such
8 as name and contact information, date of birth, the school the student is attending,
9 and the student's grade level and shall not include any personally identifiable
10 information.

11 (2) The student information collected and any opinions, conclusions,
12 recommendations, or compilations related to such information shall be confidential
13 and shall not be transmitted or shared with any person, entity, or agency by a city,
14 parish, or other local public school board or school, the state Department of
15 Education, or the State Board of Elementary and Secondary Education without full
16 disclosure to and written consent from the student's parent or legal guardian.

17 (3) The State Board of Elementary and Secondary Education shall
18 promulgate rules in accordance with the Administrative Procedure Act to provide a
19 process for the full disclosure to parents and legal guardians that student information
20 will be transmitted or shared by a local public school or board, the department, or the
21 state board, as provided in Paragraph (2) of this Subsection. Such process shall
22 include but not be limited to the following requirements:

23 (a) The clear identification of the student information collected and the
24 purpose for collecting it.

25 (b) The dissemination of information on the disclosure process and
26 requirements to the parent or legal guardian through at least the following means:

27 (i) Posting it on the official websites of the school, school board, department,
28 and state board.

29 (ii) Sending it home with the students from school.

1 (iii) Holding informational meetings in all public school systems to explain
2 the process and provide for public comments and questions related thereto.

3 (c) The parental consent form to be used including deadlines for submitting
4 the form and the expiration date for the form which shall not extend beyond one
5 school year.

6 (d) Ensuring that information on the process is easily accessible through the
7 means specified in Subparagraph (b) of this Paragraph and continuously updated as
8 necessary.

9 D. A member of a city, parish, or other local public school board or the State
10 Board of Elementary and Secondary Education or any official or employee of a local
11 public school board or school or the state Department of Education who violates any
12 provision of Paragraph (C)(1) or (2) of this Section shall be punished by
13 imprisonment for not more than six months or by a fine of not more than ten
14 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)]

Geymann

HB No. 378

Abstract: Prohibits the collection of personally identifiable information on students; prohibits the transmittal or sharing of student information without parental consent; and provides penalties for violations.

Proposed law, relative to student information collected, prohibits local public school boards and schools, the state Dept. of Education, and the State Board of Elementary and Secondary Education (BESE) from transmitting or sharing such information with any person, entity, or agency without full disclosure and written consent from the student's parent or legal guardian. Requires BESE to promulgate rules to provide a process for such full disclosure and requires certain minimum components to be included in such rules.

Provides that student information collected by a local public school board or school, the state Dept. of Education, or BESE be limited to basic information and prohibits the collection of personally identifiable information. Defines "personally identifiable information" as two or more pieces of information that separately or when linked together can identify the person in a manner that is not known or readily available to the public, including but not limited to social security number, religious affiliation, student disability, and student hobbies or interests.

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

(Adds R.S. 17:3913)