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

Page 1 of 5

HB NO. 718 ENROLLED

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	В.
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

HB NO. 718 ENROLLED

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

HB NO. 718 ENROLLED

(5) Any person who knowingly and willingly violates the provisions of this

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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) $\frac{(4)}{(5)}$ 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 <u>public school or</u> school system from <u>being provided or</u> 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 <u>educational</u> <u>education</u> institution, <u>the Board of Regents</u> , and the Office

HB NO. 718 **ENROLLED** 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

Page 5 of 5

APPROVED: __