

2021 Regular Session

HOUSE BILL NO. 322

BY REPRESENTATIVES FREEMAN AND MCKNIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides for the sharing of limited student information for the purpose of administering certain federal food assistance programs and for certain postsecondary education purposes

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AN ACT

To amend and reenact R.S. 17:3914(K)(2) and (3)(c)(i) and (M), to enact R.S. 17:3914(K)(1)(e), and to repeal R.S. 17:3914(M), relative to student information; to provide for the continued effectiveness of provisions that require school governing authorities to share certain student information with the Department of Children and Family Services for the purpose of facilitating the administration of the pandemic electronic benefits transfer program and that provide exceptions; to authorize the sharing of additional information; to provide for the sharing of such information for the additional purpose of facilitating the administration of the summer electronic benefits transfer program; to require the collection of additional data by public school governing authorities; to provide relative to the sharing of certain student information with the Board of Regents and the Office of Student Financial Assistance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(K)(2) and (3)(c)(i) and (M) are hereby amended and reenacted and R.S. 17:3914(K)(1)(e) is hereby enacted to read as follows:

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

* * *

1 K.(1) Notwithstanding any provision of this Part to the contrary, the
2 governing authority of each public school, with the permission of a student's parent
3 or legal guardian, shall collect the following personally identifiable information for
4 each student enrolled in grades eight through twelve:

5 * * *

6 (e) Race and ethnicity data.

7 (2) The governing authority of a public school and the company that the state
8 has contracted with to develop the student unique identifier shall disclose the
9 information collected pursuant to Paragraph (1) of this Subsection, upon request,
10 only to:

11 (a) A Louisiana postsecondary education institution, to be used solely for the
12 purpose of processing applications for admission and for compliance with state and
13 federal reporting requirements.

14 (b) The Board of Regents and the Office of Student Financial Assistance, as
15 a program under its jurisdiction, to be used ~~solely~~ for the purpose of processing
16 applications made to the office for state and federal grants and for required grant
17 program reporting, for the purposes of providing reports to each public school
18 governing authority on the postsecondary education remediation needs, retention
19 rates, and graduation rates for each high school under its jurisdiction, and to evaluate
20 comparative postsecondary education performance outcomes based on student
21 transcript data in order to develop policies designed to improve student academic
22 achievement.

23 ~~(c) The Board of Regents, to be used only by board staff for the purposes of~~
24 ~~providing reports to each public school governing authority on the postsecondary~~
25 ~~remediation needs, retention rates, and graduation rates for each high school under~~
26 ~~its jurisdiction and to evaluate comparative postsecondary performance outcomes~~
27 ~~based upon student transcript data in order to develop policies designed to improve~~
28 ~~student academic achievement.~~

1 (3)

2 * * *

3 (c) The form shall contain the following:

4 (i) A statement notifying the student's parent or legal guardian exactly what
5 items of student information will be collected and that disclosure of the student
6 information collected will be restricted to Louisiana postsecondary education
7 institutions to be used for the purposes of processing applications for admission and
8 for compliance with state and federal reporting requirements, to the Board of
9 Regents, and to the Office of Student Financial Assistance, as a program under such
10 board's jurisdiction, to be used solely for the purpose purposes of processing
11 applications for admission and for state and federal financial aid, and to the Board
12 of Regents to be used solely for the purposes of for required grant program reporting,
13 for providing reports to the school governing authority on the postsecondary
14 education remediation needs, retention rates, and graduation rates for each high
15 school under its jurisdiction, and for evaluating comparative postsecondary education
16 performance outcomes based on student transcript data in order to develop and
17 developing policies designed to improve student academic achievement.

18 * * *

19 M.(1) Notwithstanding any provision of law to the contrary and except as
20 provided in Paragraph (2) of this Subsection, the governing authority of each public
21 or nonpublic school or other entity that participates in a meal program through which
22 students are eligible for the pandemic electronic benefits transfer program or summer
23 electronic benefits transfer program shall share student information with the
24 Department of Children and Family Services for the purpose of facilitating program
25 administration, including but not limited to the automatic issuance of benefits to
26 eligible families. Such information shall be limited to the first name, middle name,
27 last name, address, school site code, student unique identifier, and date of birth of
28 each student eligible for free or reduced price meals at school.

1 (2) Such a governing authority shall not share a student's information if his
2 parent or legal guardian has chosen not to share information pursuant to the policy
3 of the governing authority.

4 Section 2. R.S. 17:3914(M) is hereby repealed in its entirety.

5 Section 3.(A). Section 1 and this Section of this Act shall become effective upon
6 signature of this Act by the governor or, if not signed by the governor, upon expiration of
7 the time for bills to become law without signature by the governor, as provided by Article
8 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
9 subsequently approved by the legislature, Section 1 and this Section of this Act shall become
10 effective on the day following such approval.

11 (B) Section 2 of this Act shall become effective on December 31, 2022.

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)]

HB 322 Engrossed

2021 Regular Session

Freeman

Abstract: Provides for the sharing of limited student information for the purposes of administering federal food assistance programs and for certain postsecondary education purposes.

Student information sharing, generally

Present law prohibits any employee of a public school system from providing a student's personally identifiable information (P.I.I.) to any person or public or private entity. Provides exceptions to this prohibition and authorizes sharing student information under certain circumstances, including for purposes of administering federal food assistance programs and for certain postsecondary education purposes.

Federal food assistance programs

Present law requires each public or nonpublic school or other entity that participates in a meal program through which students are eligible for the pandemic electronic benefits transfer program to share student information with the Dept. of Children and Family Services for the purpose of facilitating program administration, including but not limited to the automatic issuance of benefits to eligible families. Limits such information to first and last name, address, and date of birth of each student eligible for free or reduced price meals at school. Excepts any student whose parent has chosen not to share information pursuant to the policy of the governing authority of the school or other entity.

The effectiveness of the present law provisions above terminates on June 10, 2021. Proposed law provides for the continued effectiveness of present law until December 31, 2022; adds a student's middle name, school site code, and student unique identifier to the list of information to be shared; and adds that information shall also be shared for purposes of

administering the summer electronic benefits transfer program, subject to the same limitations and exceptions.

Postsecondary education

Present law requires each public school governing authority, with the permission of a student's parent or legal guardian, to collect the following P.I.I. for each student enrolled in grades eight through 12:

- (1) Full name.
- (2) Date of birth.
- (3) Social security number.
- (4) Student transcript data.

Proposed law adds race and ethnicity data to this list.

Present law requires each public school governing authority share the above information, upon request, with certain postsecondary education entities for certain purposes. Proposed law additionally requires the company that the state contracts with to develop the student unique identifier to do the same and revises the recipients and purposes as follows:

- (1) Present law requires the information to be shared with a La. postsecondary education institution for the purpose of processing admission applications. Proposed law retains present law and provides the additional purpose of compliance with reporting requirements.
- (2) Present law requires the information to be shared with the Office of Student Financial Assistance (OSFA) for the purpose of processing grant applications and grant program reporting. Proposed law adds the Bd. of Regents as a recipient of the information for this purpose.
- (3) Present law requires the information to be shared with the Bd. of Regents, to be only used by board staff, for purposes of providing reports to each public school governing authority on the remediation needs, retention rates, and graduation rates for high schools and to evaluate comparative performance outcomes in order to develop policies designed to improve academic achievement. Proposed law retains present law but adds OSFA as a recipient of the information for these purposes and removes the provision that the information only be used by board staff.

Present law requires each public school governing authority to provide a form to be signed by the parent of each student in grades eight through 12 whereon the parent may consent or deny consent for the collection and disclosure of the student's information. Provides for allowable purposes to be specified on the form. Proposed law aligns the required form contents with present law and proposed law purposes.

Effective upon signature of governor or lapse of time for gubernatorial action; Repeal of R.S. 17:3914(M), relative to the federal food assistance programs, is effective December 31, 2022.

(Amends R.S. 17:3914(K)(2) and (3)(c)(i) and (M); Adds R.S. 17:3914(K)(3)(c)(i); Repeals R.S. 17:3914(M))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Relative to sharing student information for purposes of the food assistance programs:
 - (a) Authorize the sharing of additional student information.
 - (b) Add a "sunset" of Dec. 31, 2022.
2. Add provisions relative to sharing student information with certain entities for purposes related to postsecondary education.