

Regular Session, 2014

SENATE BILL NO. 455

BY SENATOR GARY SMITH

STUDENTS. Provides for limitations and prohibitions on the collection and sharing of student information. (8/1/14)

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AN ACT

To enact R.S. 17:3913, relative to student information; to limit the type of information to be collected on students; to prohibit the collection of certain information; to prohibit the transmittal or sharing of student information without parental consent; to provide exceptions; to require the State Board of Elementary and Secondary Education to promulgate rules to provide a process for obtaining consent from parents for the sharing of student information; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

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

B. For purposes of this Section, "personally identifiable information" is defined as two or more pieces of information that separately or when linked

1 together can identify the person in a manner that is not known or readily
2 available to the public. Personally identifiable information includes but is not
3 limited to social security number, religious affiliation, student disability, and
4 student hobbies or interests.

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

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

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

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

28 (b) The dissemination of information on the disclosure process and
29 requirements to the parent or legal guardian through at least the following

- 1 **means:**
- 2 **(i) Posting it on the official websites of the school, school board,**
- 3 **department, and state board.**
- 4 **(ii) Sending it home with the students from school.**
- 5 **(iii) Holding informational meetings in all public school systems to**
- 6 **explain the process and provide for public comments and questions related**
- 7 **thereto.**
- 8 **(c) The parental consent form to be used including deadlines for**
- 9 **submitting the form and the expiration date for the form which shall not extend**
- 10 **beyond one school year.**
- 11 **(d) Ensuring that information on the process is easily accessible through**
- 12 **the means specified in Subparagraph (b) of this Paragraph and continuously**
- 13 **updated as necessary.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

Gary Smith (SB 455)

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.

Effective August 1, 2014.

(Adds R.S. 17:3913)