

Regular Session, 2014

HOUSE BILL NO. 384

BY REPRESENTATIVE CROMER

STUDENTS: Provides for limitations and prohibitions on the collection and sharing of student information and the administration of assessments, surveys, and other instruments that solicit certain student information

1 AN ACT

2 To enact R.S. 17:24.4(K) and 3913, relative to student information; to limit the type of
3 information to be collected on students; to prohibit the administration of
4 assessments, surveys, and other instruments that solicit certain student information;
5 to prohibit the collection of certain information; to prohibit the transmittal or sharing
6 of student information without parental consent; to provide exceptions and
7 conditions; to provide definitions; to provide criminal penalties; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:24.4(K) and 3913 are hereby enacted to read as follows:

11 §24.4. Louisiana Competency-Based Education Program; statewide standards for
12 required subjects; Louisiana Educational Assessment Program; parish or city
13 school board comprehensive pupil progression plans; waivers

14 * * *

15 K.(1) The state Department of Education or the State Board of Elementary
16 and Secondary Education shall not adopt, implement, or require the administration
17 of any state assessment that in any way includes the collection of any student
18 psychological data, including but not limited to noncognitive skills or attributes,

1 psychological resources, mindsets, learning strategies, effortful control, attitudes,
2 dispositions, social skills, or other interpersonal or intrapersonal resources.

3 (2) A city, parish, or other local public school board or school, the state
4 Department of Education, or the State Board of Elementary and Secondary
5 Education shall not administer or require the administration of any assessment,
6 student survey, analysis, evaluation, or similar instrument that solicits information
7 about a student or the student's family concerning any of the following:

8 (a) Political affiliations or beliefs.

9 (b) Mental or psychological problems, psychological resources, mindsets,
10 learning strategies, effortful control, attributes, dispositions, social skills, attitudes,
11 or intrapersonal resources.

12 (c) Sexual behavior or attitudes.

13 (d) Illegal, antisocial, self-incriminating, or demeaning behavior.

14 (e) Critical appraisals of another individual with whom a student has a close
15 family relationship.

16 (f) Legally recognized privileged or analogous relationships, such as those
17 with a lawyer, physician, or clergyman.

18 (g) Religious practices, affiliations, or beliefs.

19 (h) Personal or family gun ownership.

20 (i) Income or income-related information except as may be required by law
21 to determine eligibility to participate in or receive financial assistance for a specified
22 program.

23 (3) A city, parish, or other local public school board or school, the state
24 Department of Education, or the State Board of Elementary and Secondary
25 Education shall not disclose, transmit, or share with any assessment consortium of
26 which the state is a member or any entity or agency with which the state contracts
27 for the development or administration of any assessment any student information
28 collected as part of the assessment unless all of the following apply:

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

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

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

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

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

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

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

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

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

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

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

Cromer

HB No. 384

Abstract: Prohibits the collection of personally identifiable information on students; prohibits the transmittal or sharing of student information without parental consent; prohibits the administration of assessments, surveys, and other instruments that solicit certain student information; 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.

Proposed law further prohibits the administration of any state assessment that includes the collection of any student psychological data as specified in proposed law. Prohibits the

administration of any assessment, student survey, analysis, evaluation, or similar instrument that solicits information about a student or the student's family on certain matters as specified in proposed law. Prohibits local public school boards and schools, the state Dept. of Education, and BESE from transmitting or sharing with any assessment consortium of which the state is a member or any entity or agency with which the state contracts for the development or administration of any assessment any student information collected as part of the assessment unless certain conditions apply.

Provides monetary penalties for violations of proposed law (based on the number of offenses) of up to \$10,000.

(Adds R.S. 17:24.4(K) and 3913)