

2015 Regular Session

HOUSE BILL NO. 718

BY REPRESENTATIVE SCHRODER

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

STUDENTS: Provides relative to the collection and sharing of certain student information

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AN ACT

To amend and reenact R.S. 17:3914(C)(2)(introductory paragraph) and (3), (F)(1), (2), and (4), (G), (H), (K)(3)(c)(ii) and (4), and 3996(B)(38) and to enact R.S. 17:3914(C)(2)(e), (F)(5), and (K)(3)(d), relative to student information; to provide relative to exceptions to the prohibition on the collection and sharing of student information; to extend time lines relative to such prohibition and the assignment of student identification numbers; to provide relative to prohibitions, requirements, and exceptions with respect to certain contracts and access to student information pursuant to such contracts; to provide relative to parental consent and required notification with respect to the withdrawal of such consent; to require the Board of Regents to destroy certain data; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(C)(2)(introductory paragraph) and (3), (F)(1), (2), and (4), (G), (H), (K)(3)(c)(ii) and (4), and 3996(B)(38) are hereby amended and reenacted and R.S. 17:3914(C)(2)(e), (F)(5), and (K)(3)(d) are hereby enacted to read as follows:

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

* * *

1 C.

2 * * *

3 (2) Beginning ~~June 1, 2015~~ August 1, 2015, no official or employee of a city,
4 parish, or other local public school system shall provide personally identifiable
5 student information to any member of the school board or to any other person or
6 public or private entity, except such an official or employee may, in accordance with
7 ~~State Board of Elementary and Secondary Education regulation or~~ applicable state
8 and federal law:

9 * * *

10 (e) Provide student information for a school year prior to the 2015-2016
11 school year for the purpose of completing or correcting required submissions to the
12 state Department of Education or responding to financial audits.

13 * * *

14 (3) By not later than May 1, 2015, the state Department of Education shall
15 develop a system of unique student identification numbers. By not later than ~~June~~
16 ~~1, 2015~~ August 1, 2015, each local public school board shall assign such a number
17 to every student enrolled in a public elementary or secondary school. Student
18 identification numbers shall not include or be based on social security numbers, and
19 a student shall retain his student identification number for his tenure in Louisiana
20 public elementary and secondary schools.

21 * * *

22 F.(1) A city, parish, or other local public school board may contract with a
23 public or private entity for student and other education services, and pursuant to such
24 contract, student information, including personally identifiable information and
25 cumulative records, may be transferred to computers operated and maintained by the
26 ~~private~~ entity for such purpose.

27 (2) No contractor pursuant to this Subsection shall allow access to, release,
28 or allow the release of student information to any person or entity except as specified

1 in the contract. No contractor shall use student information to conduct predictive
2 modeling for the purpose of directing the educational opportunities of students.

3 * * *

4 (4) The requirements of Paragraph (3) of this Subsection shall not apply to
5 a contract entered into prior to June 1, 2015, for the acquisition of goods, equipment,
6 or services purchased in accordance with R.S. 38:2212.1(E), (F), or (N) but shall
7 apply to any extension or renewal of such contract.

8 (5) Any person who knowingly and willingly violates the provisions of this
9 Subsection shall be fined not more than ten thousand dollars or imprisoned for not
10 more than three years, or both.

11 G. Except as provided in Paragraph (F)(4)(5) of this Section, a person who
12 violates any provision of this Section shall be punished by imprisonment for not
13 more than six months or by a fine of not more than ten thousand dollars.

14 H. Nothing in this Section shall prohibit a ~~school system employee employed~~
15 ~~at the~~ person employed in a public school and a or other person authorized by the
16 superintendent of the public school or school system from being provided or having
17 access to a student's records as may be necessary to perform his duties in accordance
18 with a policy adopted by the local public school board for such purpose.

19 * * *

20 K.

21 * * *

22 (3)

23 * * *

24 (c) The form will contain the following:

25 * * *

26 (ii) ~~A statement whereby a student's parent or legal guardian acknowledges~~
27 Notification that the failure to provide written consent for the collection and
28 disclosure of the student's information as provided in this Subsection may result in
29 delays or may prevent successful application for admission to a postsecondary

1 educational institution and for state and federal student financial aid. This statement
2 shall be displayed prominently and shall be printed in bold type.

3 (d) Consent provided by a student's parent or legal guardian shall continue
4 unless such consent is withdrawn in writing. Annual notification shall be provided
5 to the student's parent or legal guardian as to the right and process used to withdraw
6 consent.

7 (4) ~~The governing authority of each public school, each~~ Each Louisiana
8 postsecondary ~~educational~~ education institution, ~~the Board of Regents,~~ and the Office
9 of Student Financial Assistance shall destroy all data collected for purposes of this
10 Subsection not later than five years after the student graduates, unless otherwise
11 required by state or federal law or regulation.

12 * * *

13 §3996. Charter schools; exemptions; requirements

14 * * *

15 B. Notwithstanding any state law, rule, or regulation to the contrary and
16 except as may be otherwise specifically provided for in an approved charter, a
17 charter school established and operated in accordance with the provisions of this
18 Chapter and its approved charter and the school's officers and employees shall be
19 exempt from all statutory mandates or other statutory requirements that are
20 applicable to public schools and to public school officers and employees except for
21 the following laws otherwise applicable to public schools with the same grades:

22 * * *

23 (38) Student information, R.S. 17:~~3913~~ 3914.

24 * * *

25 Section 2. This Act shall become effective on July 1, 2015; if vetoed by the governor
26 and subsequently approved by the legislature, this Act shall become effective on July 1,
27 2015, or on the day following such approval by the legislature, whichever is later.

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 718 Original

2015 Regular Session

Schroder

Abstract: Provides relative to the collection and sharing of certain student information.

Present law prohibits the collection of certain student information by local public school systems and charter schools unless the information is voluntarily disclosed by the parent or legal guardian. Prohibits (beginning June 1, 2015) local school system and charter school officials and employees from sharing personally identifiable student information with local school board members and any other person or public or private entity with certain exceptions and in accordance with State Board of Elementary and Secondary Education regulation or applicable law. Prohibits access to public school computer systems where student information is stored with certain exceptions. Provides for penalties for violations of present law. Requires the state Dept. of Education to develop a system of unique student identification numbers not later than May 1, 2015. Requires local public school boards to assign such numbers to every student not later than June 1, 2015, and provides that such numbers shall not include or be based on social security numbers.

Proposed law changes the June 1st dates on the effectiveness of present law prohibition on sharing student information and the required assignment of identification of numbers to Aug. 1, 2015. Proposed law adds to present law exceptions, the sharing of student information from prior school years for completing or correcting required submissions to the department or responding to financial audits and deletes the requirement that exceptions to present law prohibitions be in accordance with State Board of Elementary and Secondary Education regulation. Otherwise retains present law.

Present law requires public school governing authorities annually to provide a parental consent form (for students beginning in the eighth grade) that contains a statement notifying a student's parent or legal guardian of what student information will be collected and a statement that a student's parent or legal guardian acknowledges that failure to provide written consent for the collection and disclosure of such information may result in delays or prevent successful application for admission to a postsecondary educational institution and for state and federal student financial aid. Requires public school governing authorities, postsecondary educational institutions, and the Office of Student Financial Assistance to destroy the data collected not later than five years after the student graduates, unless otherwise required by state or federal law or regulation. Proposed law provides that such consent shall continue unless withdrawn in writing and requires annual notification to parents as to the right and process used to withdraw consent. Deletes public school governing authorities from present law requirement to destroy data and adds the Board of Regents to such requirement. Otherwise retains present law.

Present law permits local public school boards and charter schools to contract with a private entity for student and other education services and prohibits a contractor from allowing access to, releasing, or allowing the release of such student information except as specified in the contract. Requires that contracts include specified requirements for protection of student information. Requires a contractor to return student information that has been removed from the contractor's servers to the local school board upon termination of the contract. Proposed law additionally permits such contracts with a public entity and excludes certain initial contracts for goods, equipment, or services acquired pursuant to present law (relative to the procurement of certain materials and supplies) from present law requirements relative to the protection of student information. Proposed law prohibits a contractor from

using student information to conduct predictive modeling to direct the educational opportunities of students. Otherwise retains present law.

Present law provides that present law shall not prohibit a school system employee employed at the school and a person authorized by the superintendent of the school system from having access to a student's records as may be necessary to perform his duties. Proposed law provides that present law shall apply to a person employed in a public school (whether an employee of the system or not). Specifies that student records provided or accessed pursuant to present law and proposed law shall be in accordance with local public school board policy and deletes the condition that the records be provided or accessed as necessary to perform his duties.

Effective July 1, 2015.

(Amends R.S. 17:3914(C)(2)(intro. para.) and (3), (F)(1), (2), and (4), (G), (H), (K)(3)(c)(ii) and (4), and 3996(B)(38); Adds R.S. 17:3914(C)(2)(e), (F)(5), and (K)(3)(d))