

2016 Regular Session

SENATE BILL NO. 270

BY SENATOR BOUDREAUX

STUDENTS. Provides relative to student data privacy. (gov sig)

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AN ACT

To enact R.S. 17:3914(L), relative to student information; to provide for certain school governing authorities to enter into a memorandum of understanding for the provision of certain student information; to provide for the confidentiality of such information; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(L) is hereby enacted to read as follows:

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

* * *

L.(1) Notwithstanding any provision of this Part to the contrary, a local public school system and the governing authority of a Type 2 charter school that enrolls students who reside within the geographic boundaries of the local school system shall enter into a memorandum of understanding to exchange student information necessary to verify student enrollment and residency status. The local public school system and the charter school governing authority shall keep such information strictly confidential and shall use the information for no other

1 **purpose than verifying student enrollment and residency.**

2 **(2) The student information provided pursuant to the provisions of this**
3 **Subsection shall be limited to the student's name and residential address and**
4 **the school in which the student is enrolled.**

5 **(3) A memorandum of understanding entered into pursuant to the**
6 **provisions of this Subsection shall comply with all applicable state and federal**
7 **law, including the Federal Educational Rights Privacy Act.**

8 **(4) Any person who knowingly and willfully fails to maintain the**
9 **confidentiality of such information shall be subject to the penalties provided in**
10 **Subsection G of this Section.**

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

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

DIGEST

SB 270 Engrossed 2016 Regular Session Boudreaux

Present law provides for the protection of personally identifiable student information.

Proposed law retains present law and additionally provides that a local public school system and a Type 2 charter school that enrolls students who reside within the geographic boundaries of the local school system shall enter into a memorandum of understanding to exchange information necessary to verify student enrollment and residency. Limits the student information shared to the student's name and address and school in which the student is enrolled. Requires the memorandum of understanding to comply with all applicable state and federal laws, including the Federal Educational Rights Privacy Act. Further requires the local school system and the charter school to keep such information confidential and limits the use of the information for the purpose of verifying student enrollment and residency.

Present law provides for a penalty of not more than six months imprisonment or a fine of not more than \$10,000 for anyone who violates the provisions of present law.

Proposed law provides that this penalty shall apply to a local public school system that fails to keep confidential the information provided to verify student enrollment and residency pursuant to proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3914(L))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Requires a local school system and a Type 2 charter school that enrolls students who reside within the geographic boundaries of the local school system to enter into a memorandum of understanding (MOU) to exchange limited student information to verify a student's enrollment and residency status.
2. Requires the MOU to comply with all applicable state and federal law.