Schroder   **HB No. 1076**

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

STUDENTS. Provides for limitations and prohibitions on the collection and sharing of student information and provides penalties for violations

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DIGEST

Proposed law provides relative to the collection and sharing of personally identifiable student information as follows:

Defines "personally identifiable information" as information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual, including a student's full name, social security number, date and place of birth, mother's maiden name, or biometric records. Definition also includes any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.

Defines "aggregate data" as statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals.

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.

Requires the state Dept. of Education (DOE) 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.

Beginning June 1, 2015, generally prohibits 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. Provides that such school officials and employees, in accordance with State Board of Elementary and Secondary Education (BESE) regulation or applicable state and federal law, may:

(1)   Provide a student's unique identification number and aggregate data to the local school board, DOE, or BESE, solely for the purpose of satisfying state and federal reporting requirements.

(2)   Provide student information that is not personally identifiable to DOE for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements. Prohibits any official or employee of DOE or a city, parish, or other local public school system from sharing such information with any person or public or private entity located outside of Louisiana, other than for purposes of academic analysis of assessments.

(3)   Provide a student's personally identifiable information to any person or public or private entity if the sharing of the information has been authorized in writing by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Requires any recipient of such information to maintain the confidentiality of the information. Further provides that any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to the penalties provided in proposed law.

(4)   Provide for the transfer of student information pursuant to the provisions of present law that allow public school principals to transfer student records when a student enrolls or seeks enrollment in another school.

Prohibits access to public school computer systems where student information is stored except to the following:

(1)   A student's parent or legal guardian, or the student if he has reached the legal age of majority. Allows these persons provide written authorization to allow another access to the student's information.

(2)   A teacher of record, with respect to his current students.

(3)   The school principal and school registrar.

(4)   A school system employee employed at the school and designated by the principal. Restricts this access to job-related duties.

(5)   A person authorized by the superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.

(6)   A person authorized by the state to audit student records.

Allows the following to access a computer system of a city, parish, or other local public school system on which student information for students from throughout the system is stored:

(1)   The superintendent of the school system.

(2)   A school system employee designated by the superintendent. Restricts this access to job-related duties.

(3)   A person authorized by the superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.

(4)   A person authorized by the state to audit student records.

Requires any person given access to a public school computer system to maintain the confidentiality of the student information accessed.

Prohibits any person who has access to student information reported to DOE from converting student information in manner that can be used to identify a student.

Prohibits BESE and DOE from requiring a city, parish, or other local public school system to limit a student's learning opportunity or opportunities to explore any occupation based upon predictive modeling.

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 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.

Provides for penalties as follows:

(1)   A private contractor who violates the provisions of proposed law shall be fined not more than ten thousand dollars or imprisoned for not more than three years, or both.

(2)   A person who violates the provisions of proposed law shall be punished by imprisonment for not more than six months or by a fine of not more than ten thousand dollars.

Specifies that proposed law is applicable to each charter school, its governing authority, and any education management organization under contract to operate a charter school.

Provides that a school, school system, local or state governmental agency, public or private entity, or any person with access to student information shall not sell, transfer, share, or process any student data for use in commercial advertising, or marketing, or any other commercial purpose.

Requires the governing authority of each public school, with the permission of a student's parent or legal guardian, to collect specified personally identifiable information for each student enrolled in grades eight through twelve which may be disclosed only to a Louisiana postsecondary educational institution and the Office of Student Financial Assistance, to be used solely for the purpose of processing applications for college admission and for state and federal financial aid and related financial aid program reporting. Provides for a parental consent form and specifies that no data shall be collected pursuant to proposed law, unless a student's parent or legal guardian provides written consent. Provides that the form will contain a statement whereby a student's parent or legal guardian acknowledges that failure to provide written consent for the collection and disclosure of this information may result in delays or may prevent successful application for admission to a postsecondary educational institution and for state and federal student financial aid. Requires the governing authority of each public school to destroy all data collected for this purpose not later than three years after the student graduates from high school.

(Adds R.S. 17:3913 and 3996(B)(34))

Summary of Amendments Adopted by House

   House Floor Amendments to the engrossed bill.

   1.   Defines "parent or legal guardian" to mean a parent, legal guardian, or other person responsible for the student.

   2.   In proposed law exception that allows the state Dept. of Education to share student information for purposes of assessment, provides instead that it shall be for purposes of scoring assessments.

   3.   In proposed law that allows a local school board to contract with a private entity for student information services, provides instead that such contract is authorized for student services.

   4.   In proposed law that allows a local school board to transfer student information to a computer owned, operated, and maintained by a private entity pursuant to a contract for student services, requires instead that the computer be operated and maintained by the private entity.

Summary of Amendments Adopted by Senate

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

   1.   Clarifies definition of "personally identifiable information" and "aggregate data".

   2.   Allows schools and school boards to share certain student information pursuant to BESE regulation or state and federal law.

   3.   Allows a student who has reached the legal age of majority the right to access his information and provide permission for the sharing of his information.

   4.   Allows persons authorized by the state, including the legislative auditor, to have access to student information for auditing purposes.

   5.   Requires a contractor storing student information to return the information to the local school board upon termination of the contract.

6.   Clarifies that <u>proposed law</u> applies to charter schools, charter school governing authorities, and organizations contracted to operate charter schools.

7.   Prohibits the sale, transfer, sharing, or processing of student information for commercial purposes.

8.   Requires public school governing authorities, with parental permission, to collect and disclose specified student information to La. postsecondary education institutions and the office of student financial assistance for purposes of processing applications for admission and student financial aid.

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