

By: Kuempel

H.B. No. 4437

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of student records held by the Texas Higher Education Coordinating Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.031 of the Education Code is amended as follows:

Sec. 61.031. PUBLIC ~~INTEREST~~ INFORMATION AND COMPLAINTS.

(a) The board shall maintain a file on each written complaint filed with the board. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the board;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the board closed the file without taking action other than to investigate the complaint.

(b) The board shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.

(c) The board, at least quarterly until final disposition of

1 the complaint, shall notify the person filing the complaint and
2 each person who is a subject of the complaint of the status of the
3 investigation unless the notice would jeopardize an undercover
4 investigation.

5 (d) Notwithstanding any other provision of law, information
6 regarding a current, former, or prospective applicant or student of
7 an educational institution that is obtained, received, or held by
8 the Texas Higher Education Coordinating Board (the Coordinating
9 Board) for the purpose of providing assistance with access to
10 post-secondary education shall be considered confidential and
11 excepted from disclosure as an "educational record" under Chapter
12 552.114, Government Code, and may only be released in conformity
13 with the Family Educational Rights and Privacy Act of 1974, Sec.
14 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.