

BILL ANALYSIS

S.B. 256
By: Williams
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently school districts do not have the clear ability to determine or designate what will constitute directory information. The attorney general has been forced to render opinions in light of the state Public Information Act and in the absence of clear state law on the issue. There is no state law which allows a school district to designate use of directory information for a limited purpose such as a yearbook, student directory, or publication. The Federal Family Educational Rights Act (FERPA) requires school districts to notify parents about directory information and allow parents a reasonable amount of time to request that the school not disclose directory information about their child. Federal law leaves the means of notification to the discretion of each school. There is no state requirement on how a school district is required to deliver this notice.

S.B. 256 requires a school district to print selected sections of FERPA, an explanation of the Act in bold 14 point text or larger, a form for a parent to indicate their position on the release of information and, a statement informing parents about federal requirements relating to the release of information to military recruiters and institutions of higher education.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SB 256 amends Chapter 26 of the Education Code and requires a school district to provide certain information to the parent of each district student at the beginning of each school year or upon enrollment of the student after the beginning of a school year as designated. The notice must contain: the designated statement, as provided in this bill, in boldface type with a 14 point or larger, a form such as a check-off list, and a statement as to what is required by federal law. A school district may designate as directory information any or all information defined as directory information by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Chapter 552, (Public Information), Government Code. Directory information consented to by a parent for use only for a limited school-sponsored purpose, remains otherwise confidential and is prohibited from being released under Chapter 552, Government Code.

EFFECTIVE DATE

This Act applies beginning with the 2005 - 2006 school year.

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.