

BILL ANALYSIS

Senate Research Center
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S.B. 256
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Education
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, under an attorney general opinion, 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.

School districts are finding that students are being contacted at home with propositions for modeling; some are receiving letters from inmates who allegedly purchased the information over the internet. School districts are increasingly seeking legal advice as they no longer wish to give access to designated directory information to all vendors, criminals, and other persons. The school districts are uncertain whether they must release all information that qualifies as directory information under FERPA, whether they have designated it as such or not. The amount of paperwork a parent must fill out at the beginning of the school year can result in the parent unintentionally overlooking his or her right to refuse the release of directory information.

As proposed, 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. S.B. 256 clarifies that districts can choose which information to designate as directory information. S.B. 256 confirms that Texas recognizes that such designation under federal law is discretionary, not mandatory, and clarifies in statute that districts can designate an annual list of directory information as provided for in FERPA. S.B. 256 also allows a district to designate use of directory information for a limited school sponsored purpose. This information consented to by a parent for that limited use remains confidential for the purpose of the Public Information Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26, Education Code, by adding Section 26.013, as follows:

Sec. 26.013. STUDENT DIRECTORY INFORMATION. (a) Requires a school district to provide certain information to the parent of each district student at the beginning of each school year or on enrollment of the student after the beginning of a school year.

(b) Requires the notice required by Subsection (a)(2) to contain certain information.

(c) Authorizes a school district to 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). Provides that 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.

(d) Provides that directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or school district publication, if any such purpose has been designated by the district, remains otherwise confidential and is prohibited from being released under Chapter 552, Government Code.

SECTION 2. Makes application of this Act prospective to the 2005-2006 school year.

SECTION 3. Effective date: upon passage or September 1, 2005.