

By: Brown of Brazos

H.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain student information by a school district.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.013 to read as follows:

Sec. 26.013. STUDENT DIRECTORY INFORMATION. (a) A school district shall provide 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:

(1) a written explanation of the provisions of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), regarding the release of directory information about the student; and

(2) written notice of the right of the parent to object to the release of directory information about the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(b) The notice required by Subsection (a)(2) must contain:

(1) the following statement in boldface type that is 14-point or larger:

"Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting

1 the information unless the parent or guardian objects
2 to the release of the directory information about the
3 student. If you do not want [insert name of school
4 district] to disclose directory information from your
5 child's education records without your prior written
6 consent, you must notify the district in writing by
7 [insert date]. [Insert name of school district] has
8 designated the following information as directory
9 information: [Here a school district must include any
10 directory information it chooses to designate as
11 directory information for the district, such as a
12 student's name, address, telephone listing, electronic
13 mail address, photograph, degrees, honors and awards
14 received, date and place of birth, major field of
15 study, dates of attendance, grade level, most recent
16 educational institution attended, and participation
17 in officially recognized activities and sports, and
18 the weight and height of members of athletic teams.]";

19 (2) a form, such as a check-off list or similar
20 mechanism, that:

21 (A) immediately follows, on the same page or the
22 next page, the statement required under Subdivision (1); and

23 (B) allows a parent to record:

24 (i) the parent's objection to the release of
25 all directory information or one or more specific categories of
26 directory information if district policy permits the parent to
27 object to one or more specific categories of directory information;

1 (ii) the parent's objection to the release
2 of a secondary student's name, address, and telephone number to a
3 military recruiter or institution of higher education; and

4 (iii) the parent's consent to the release of
5 one or more specific categories of directory information for a
6 limited school-sponsored purpose if such purpose has been
7 designated by the district and is specifically identified, such as
8 for a student directory, student yearbook, or district publication;
9 and

10 (3) a statement that federal law requires districts
11 receiving assistance under the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. Section 6301 et seq.) to provide a military
13 recruiter or an institution of higher education, on request, with
14 the name, address, and telephone number of a secondary student
15 unless the parent has advised the district that the parent does not
16 want the student's information disclosed without the parent's prior
17 written consent.

18 (c) A school district may designate as directory
19 information any or all information defined as directory information
20 by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
21 Section 1232g). Directory information under that Act that is not
22 designated by a district as directory information for that district
23 is excepted from disclosure by the district under Chapter 552,
24 Government Code.

25 (d) Directory information consented to by a parent for use
26 only for a limited school-sponsored purpose, such as for a student
27 directory, student yearbook, or school district publication, if any

1 such purpose has been designated by the district, remains otherwise
2 confidential and may not be released under Chapter 552, Government
3 Code.

4 SECTION 2. This Act applies beginning with the 2005-2006
5 school year.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2005.