

1-1 By: Williams S.B. No. 256
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Education;
1-4 February 28, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; February 28, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the release of certain student information by a school
1-9 district.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 26, Education Code, is amended by adding
1-12 Section 26.013 to read as follows:

1-13 Sec. 26.013. STUDENT DIRECTORY INFORMATION. (a) A school
1-14 district shall provide to the parent of each district student at the
1-15 beginning of each school year or on enrollment of the student after
1-16 the beginning of a school year:

1-17 (1) a written explanation of the provisions of the
1-18 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
1-19 Section 1232g), regarding the release of directory information
1-20 about the student; and

1-21 (2) written notice of the right of the parent to object
1-22 to the release of directory information about the student under the
1-23 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
1-24 Section 1232g).

1-25 (b) The notice required by Subsection (a)(2) must contain:

1-26 (1) the following statement in boldface type that is
1-27 14-point or larger:

1-28 "Certain information about district students is
1-29 considered directory information and will be released
1-30 to anyone who follows the procedures for requesting
1-31 the information unless the parent or guardian objects
1-32 to the release of the directory information about the
1-33 student. If you do not want [insert name of school
1-34 district] to disclose directory information from your
1-35 child's education records without your prior written
1-36 consent, you must notify the district in writing by
1-37 [insert date]. [Insert name of school district] has
1-38 designated the following information as directory
1-39 information: [Here a school district must include any
1-40 directory information it chooses to designate as
1-41 directory information for the district, such as a
1-42 student's name, address, telephone listing, electronic
1-43 mail address, photograph, degrees, honors and awards
1-44 received, date and place of birth, major field of
1-45 study, dates of attendance, grade level, most recent
1-46 educational institution attended, and participation
1-47 in officially recognized activities and sports, and
1-48 the weight and height of members of athletic teams.]";

1-49 (2) a form, such as a check-off list or similar
1-50 mechanism, that:

1-51 (A) immediately follows, on the same page or the
1-52 next page, the statement required under Subdivision (1); and

1-53 (B) allows a parent to record:

1-54 (i) the parent's objection to the release of
1-55 all directory information or one or more specific categories of
1-56 directory information if district policy permits the parent to
1-57 object to one or more specific categories of directory information;

1-58 (ii) the parent's objection to the release
1-59 of a secondary student's name, address, and telephone number to a
1-60 military recruiter or institution of higher education; and

1-61 (iii) the parent's consent to the release of
1-62 one or more specific categories of directory information for a
1-63 limited school-sponsored purpose if such purpose has been
1-64 designated by the district and is specifically identified, such as

2-1 for a student directory, student yearbook, or district publication;
2-2 and

2-3 (3) a statement that federal law requires districts
2-4 receiving assistance under the Elementary and Secondary Education
2-5 Act of 1965 (20 U.S.C. Section 6301 et seq.) to provide a military
2-6 recruiter or an institution of higher education, on request, with
2-7 the name, address, and telephone number of a secondary student
2-8 unless the parent has advised the district that the parent does not
2-9 want the student's information disclosed without the parent's prior
2-10 written consent.

2-11 (c) A school district may designate as directory
2-12 information any or all information defined as directory information
2-13 by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
2-14 Section 1232g). Directory information under that Act that is not
2-15 designated by a district as directory information for that district
2-16 is excepted from disclosure by the district under Chapter 552,
2-17 Government Code.

2-18 (d) Directory information consented to by a parent for use
2-19 only for a limited school-sponsored purpose, such as for a student
2-20 directory, student yearbook, or school district publication, if any
2-21 such purpose has been designated by the district, remains otherwise
2-22 confidential and may not be released under Chapter 552, Government
2-23 Code.

2-24 SECTION 2. This Act applies beginning with the 2005-2006
2-25 school year.

2-26 SECTION 3. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2005.

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