

## **BILL ANALYSIS**

Senate Research Center  
82R8102 KSD-D

H.B. 2538  
By: Vo (Jackson)  
Open Government  
5/5/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Depending on which school a student attends in Texas, the student's records may or may not be confidential and subject to disclosure.

Currently, under the Family Educational Rights and Privacy Act (FERPA), student records are confidential, but only if the educational or training institution a student attends receives funding from the United States Department of Education (DOE). Most large schools receive such funding, but there are many schools that do not. The Texas Workforce Commission (TWC), as the regulatory entity, is required to contact schools to verify whether the information is held confidentially, even if it is a FERPA-covered school, before they make a decision on whether the requested information is confidential. Student records from a non-FERPA school are not confidential, merely because they do not receive funding from DOE.

H.B. 2548 will protect all student records, regardless of the school a student attends in Texas, and treat them as confidential. This bill will also allow TWC to treat all student records as confidential and not subject to disclosure.

H.B. 2538 amends current law relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities and provides a criminal penalty.

### **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 Subchapter B, Chapter 132, Education Code, by adding Section 132.024, as follows:

Sec. 132.024. STUDENT INFORMATION; OFFENSE; PENALTY. (a) Defines, in this section, "student" and "student information."

(b) Provides that student information is not public information for purposes of Chapter 552 (Public Information), Government Code.

(c) Provides that, unless permitted by Subchapter F (Records), Chapter 301 (Texas Workforce Commission), Labor Code, or Texas Workforce Commission rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, student information.

(d) Provides that an offense under Subsection (c) is a Class A misdemeanor.

SECTION 2. Effective date: September 1, 2011.