

AN ACT

relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 132, Education Code, is amended by adding Section 132.024 to read as follows:

Sec. 132.024. STUDENT INFORMATION; OFFENSE; PENALTY. (a)

In this section:

(1) "Student" means any prospective, current, or former student of:

(A) a career school or college; or

(B) any other school, educational institution, or business entity from which the commission receives, or regarding which the commission reviews, information through its administration or enforcement of this chapter.

(2) "Student information" means identifying information in the commission's possession regarding a student.

The term includes:

(A) a student's name, address, telephone number, social security number, e-mail address, or date of birth;

(B) any other identifying number or other information that foreseeably could be combined with other publicly available information to reveal identifying information regarding

1 the student; and

2 (C) a student's education records, as defined by
3 34 C.F.R. Section 99.3.

4 (b) Student information is not public information for
5 purposes of Chapter 552, Government Code.

6 (c) Unless permitted by Subchapter F, Chapter 301, Labor
7 Code, or commission rule, a person commits an offense if the person
8 solicits, discloses, receives, or uses, or authorizes, permits,
9 participates in, or acquiesces in another person's use of, student
10 information.

11 (d) An offense under Subsection (c) is a Class A
12 misdemeanor.

13 SECTION 2. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2538 was passed by the House on April 21, 2011, by the following vote: Yeas 146, Nays 2, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2538 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor