

1-1 By: Vo (Senate Sponsor - Jackson) H.B. No. 2538
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 May 4, 2011, read first time and referred to Select Committee on
1-4 Open Government; May 13, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 13, 2011, sent to printer.)

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

1-8 relating to the confidentiality of certain identifying information
1-9 regarding students of career schools or colleges and other
1-10 educational entities; providing a criminal penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 132, Education Code, is
1-13 amended by adding Section 132.024 to read as follows:

1-14 Sec. 132.024. STUDENT INFORMATION; OFFENSE; PENALTY. (a)
1-15 In this section:

1-16 (1) "Student" means any prospective, current, or
1-17 former student of:

1-18 (A) a career school or college; or

1-19 (B) any other school, educational institution,
1-20 or business entity from which the commission receives, or regarding
1-21 which the commission reviews, information through its
1-22 administration or enforcement of this chapter.

1-23 (2) "Student information" means identifying
1-24 information in the commission's possession regarding a student.
1-25 The term includes:

1-26 (A) a student's name, address, telephone number,
1-27 social security number, e-mail address, or date of birth;

1-28 (B) any other identifying number or other
1-29 information that foreseeably could be combined with other publicly
1-30 available information to reveal identifying information regarding
1-31 the student; and

1-32 (C) a student's education records, as defined by
1-33 34 C.F.R. Section 99.3.

1-34 (b) Student information is not public information for
1-35 purposes of Chapter 552, Government Code.

1-36 (c) Unless permitted by Subchapter F, Chapter 301, Labor
1-37 Code, or commission rule, a person commits an offense if the person
1-38 solicits, discloses, receives, or uses, or authorizes, permits,
1-39 participates in, or acquiesces in another person's use of, student
1-40 information.

1-41 (d) An offense under Subsection (c) is a Class A
1-42 misdemeanor.

1-43 SECTION 2. This Act takes effect September 1, 2011.

1-44 * * * * *