86R1761 SRS-D

By:  Middleton H.B. No. 3971

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Section 26.013, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a)  Except as provided by Subsections (a-1) and (a-2) and to provide privacy protections in addition to those provided under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), a school district may not release information the district designates as directory information about a student under that federal law unless the student's parent provides the district written consent.

(a-1)  A school district is not prohibited from releasing a secondary student's name, address, and telephone number to a military recruiter or institution of higher education unless the parent provides written notice to the district objecting to the release of the information.

(a-2)  A school district is not prohibited from releasing any designated directory information if the district releases the information under an exception provided under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(b)) for the release of education records without the written consent of a student's parent.

(a-3)  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), Section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 7908), and 10 U.S.C. Section 503(c), regarding the release of directory information about the student; and

(2)  written notice of:

(A)  the right of the parent to object to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education under Section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 7908) and 10 U.S.C. Section 503(c);

(B)  the general prohibition on the release of directory information about the student in other circumstances unless the student's parent provides written consent; and

(C)  the applicable exceptions described by Subsection (a-2) [~~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-3)(2) [~~(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 the information as follows:

(1)  for the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education, the information will be released unless the parent or guardian objects to the release of the information; and

(2)  in other circumstances, directory information will be released if [~~unless~~] the parent or guardian consents [~~objects~~] to the release of the directory information about the student.

If you do not want [insert name of school district] to disclose your secondary student's name, address, and telephone number to a military recruiter or institution of higher education [~~directory information from your child's education records~~] without your prior written consent, you must notify the district in writing by [insert date] regarding your objection to that release. You may notify the district after that date to object to any continued authorization to the district to release the information without your prior written consent. [Insert name of school district] has designated the following information as directory information: [Here a school district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent educational institution attended, and participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]";

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

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

(B)  allows a parent to record:

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

(ii)  the parent's consent [~~objection~~] to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to consent [~~object~~] to one or more specific categories of directory information;

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

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

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

SECTION 2.  This Act applies beginning with the 2019-2020 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.