

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

1 consent of a student's parent.

2 (a-3) A school district shall provide to the parent of each
3 district student at the beginning of each school year or on
4 enrollment of the student after the beginning of a school year:

5 (1) a written explanation of the provisions of the
6 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
7 Section 1232g), Section 9528 of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. Section 7908), and 10 U.S.C.
9 Section 503(c), regarding the release of directory information
10 about the student; and

11 (2) written notice of:

12 (A) the right of the parent to object to the
13 release of a secondary student's name, address, and telephone
14 number to a military recruiter or institution of higher education
15 under Section 9528 of the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. Section 7908) and 10 U.S.C. Section 503(c);

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

20 (C) the applicable exceptions described by
21 Subsection (a-2) [~~directory information about the student under the~~
22 ~~Family Educational Rights and Privacy Act of 1974 (20 U.S.C.~~
23 ~~Section 1232g)]~~.

24 (b) The notice required by Subsection (a-3)(2) [~~(a)(2)~~]
25 must contain:

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

1 "Certain information about district students is
2 considered directory information and will be released
3 to anyone who follows the procedures for requesting
4 the information as follows:

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

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

15 If you do not want [insert name of school
16 district] to disclose your secondary student's name,
17 address, and telephone number to a military recruiter
18 or institution of higher education [directory
19 information from your child's education records]
20 without your prior written consent, you must notify
21 the district in writing by [insert date] regarding
22 your objection to that release. You may notify the
23 district after that date to object to any continued
24 authorization to the district to release the
25 information without your prior written consent.

26 [Insert name of school district] has designated the
27 following information as directory information: [Here

1 a school district must include any directory
2 information it chooses to designate as directory
3 information for the district, such as a student's name,
4 address, telephone listing, electronic mail address,
5 photograph, degrees, honors and awards received, date
6 and place of birth, major field of study, dates of
7 attendance, grade level, most recent educational
8 institution attended, and participation in officially
9 recognized activities and sports, and the weight and
10 height of members of athletic teams.]";

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

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

15 (B) allows a parent to record:

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

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

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

27 (iii) the parent's consent to the release of

1 one or more specific categories of directory information for a
2 limited school-sponsored purpose if such purpose has been
3 designated by the district and is specifically identified, such as
4 for a student directory, student yearbook, or district publication;
5 and

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

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

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