

BILL ANALYSIS

H.B. 3812
By: Hunter
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls for the state to do more to ensure the confidentiality of contact information for students so that they are not inundated with solicitations that are irrelevant to their education, such as emails, calls, and mail from third-party groups. H.B. 3812 seeks to answer those calls by prohibiting a public institution of higher education from selling or releasing student contact information without the written consent of the student or the student's parent.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3812 amends the Education Code to enhance privacy protections beyond what is provided under the Family Educational Rights and Privacy Act of 1974 (FERPA) by prohibiting a public institution of higher education from selling or releasing information the institution designates as directory information about a student under FERPA, including the student's name, email address, physical address, and telephone number, unless the student or the student's parent, if applicable, provides the institution written consent. An institution is expressly not prohibited from releasing designated directory information if the institution releases the information under an exception provided under FERPA for the release of education records without that written consent.

EFFECTIVE DATE

September 1, 2021.