

## **BILL ANALYSIS**

Senate Research Center

S.B. 788  
By: Creighton; Powell  
Higher Education  
5/25/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 788 directs the Texas Higher Education Coordinating Board, Texas Education Agency, and Texas Workforce Commission to develop and make available an additional model Family Educational Rights and Privacy Act (FERPA)-compliant data-sharing agreement for voluntary use by school systems and postsecondary institutions involving a third party.

The original bill limited the agencies to only develop a FERPA-compliant data agreement template for secondary and postsecondary institutions to utilize among one another. The substitute created an additional data-sharing template, allowing secondary and postsecondary institutions to share data with third parties more easily.

S.B. 788 amends current law relating to the development of model data-sharing agreements for sharing certain student information between public schools, public and private institutions of higher education, and other entities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 7, Education Code, by adding Section 7.012, as follows:

Sec. 7.012. MODEL DATA-SHARING AGREEMENTS. Requires the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission jointly to develop and make available the following model data-sharing agreements for sharing information subject to the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) for purposes of system evaluation and improved support of students and workforce preparation participants:

- (1) a model data-sharing agreement for public schools and public and private institutions of higher education to share that information with entities authorized to receive that information for use in ongoing system evaluation and improvement purposes or whose employees or contractors are school officials for purposes of the Family Educational Rights and Privacy Act of 1974; and
- (2) a model data-sharing agreement for reciprocal sharing of that information between public schools, public or private institutions of higher education, state and local workforce entities, and entities authorized to receive that information for use in ongoing system evaluation and improvement purposes or whose employees or contractors are school officials for purposes of the Family Educational Rights and Privacy Act of 1974.

SECTION 2. Effective date: September 1, 2021.