

## **BILL ANALYSIS**

S.B. 788  
By: Creighton  
International Relations & Economic Development  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

School systems and postsecondary institutions spend considerable time negotiating interpretations of the federal Family Educational Rights and Privacy Act of 1974 (FERPA) to enact local data sharing agreements to support students in postsecondary enrollment and success. These agreements can take months for legal teams to finalize, slowing access to support for students and families. School systems and postsecondary institutions often spend time and resources overseeing multiple data sharing agreements and there are suggestions these resources could be better invested in actionable student supports. Interested parties contend that strong, uniform data-sharing agreements would provide personalized and proactive student supports, given that adults supporting the same student would have timely access to the same accurate information. S.B. 788 seeks to address this issue by requiring the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission to develop and make available model FERPA-compliant data-sharing agreements for voluntary use by school systems and postsecondary institutions.

### **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**

S.B. 788 amends the Education Code to require the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) jointly to develop and make available the following model data-sharing agreements for sharing information subject to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) for purposes of the evaluation of the electronic student records system and improved support of students and workforce preparation participants:

- 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 FERPA; and
- 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 act.

**EFFECTIVE DATE**

September 1, 2021.