

BILL ANALYSIS

Senate Research Center
88R20464 JRJ-F

H.B. 4437
By: Kuempel (Creighton)
Education
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Data collected by institutions of higher education about their students are protected under the federal Family Educational Rights and Privacy Act of 1974 and under state public information law. However, such protections have not been established for data collected by the Texas Higher Education Coordinating Board (THECB), which has built a digital platform to provide technology-enabled college and career planning to current and prospective students. Profiles on this platform will allow students to connect with institutions and advisors for personalized guidance. H.B. 4437 seeks to establish the confidentiality of certain information obtained, received, or held by THECB that relates to a current, former, or prospective applicant or student

H.B. 4437 amends current law relating to the confidentiality of certain records containing applicant or student information that are held by the Texas Higher Education Coordinating Board.

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 the heading to Section 61.031, Education Code, to read as follows:

Sec. 61.031. PUBLIC INFORMATION AND COMPLAINTS.

SECTION 2. Amends Section 61.031, Education Code, by adding Subsection (d), as follows:

(d) Provides that information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the Texas Higher Education Coordinating Board for the purpose of providing assistance with access to postsecondary education, notwithstanding any other provision of law, is required to be considered confidential and excepted from disclosure under Chapter 552 (Public Information), Government Code, and is only authorized to be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

SECTION 3. Effective date: upon passage or September 1, 2023.