

BILL ANALYSIS

C.S.H.B. 4437
By: Kuempel
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.H.B. 4437 seeks to establish the confidentiality of certain information obtained, received, or held by the THECB that relates to a current, former, or prospective applicant or student.

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

C.S.H.B. 4437 amends the Education Code to establish the confidentiality of 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. The bill excepts such information from disclosure under state public information law and establishes that the information may only be released in conformity with the federal Family Educational Rights and Privacy Act of 1974.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4437 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an effective date for the bill, which did not appear in the introduced.