

BILL ANALYSIS

Senate Research Center
88R24409 JRJ-F

C.S.S.B. 2422
By: Creighton
Education
4/27/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Higher Education Coordinating Board (THECB) has built a digital platform called My Texas Future (MTF) to increase access to higher education by providing technology enabled college and career planning to current and prospective students, including adult learners, secondary school students, and veterans. MTF profiles will allow students to connect with institutions and advisors for personalized guidance and auto-populate an application in Apply Texas, which will also be integrated into the MTF platform.

Under current law, data collected by institutions of higher education about their students is protected under the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Texas Public Information Act (Section 552.114 (Exception: Confidentiality of Student Records), Government Code) as "educational records." This bill would ensure this same protection for data collected by THECB to assist individual students in pursuing higher education

S.B. 2422 requires that information provided to THECB by current, prospective, and former students be considered confidential "student records" under the Texas Public Information Act and provides that such records may only be released in accordance with FERPA.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2422 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 (THECB) 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 authorized only to be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). Authorizes THECB to withhold information prohibited from being disclosed under this subsection without a decision from the attorney general under Subchapter G (Request for Attorney General Decision), Chapter 552, Government Code.

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