

BILL ANALYSIS

Senate Research Center
82R8102 KSD-D

S.B. 711
By: Jackson
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under the Family Educational Rights and Privacy Act (FERPA), student records are confidential, but only if the educational or training institution the student attends receives United States Department of Education funding. Most large schools receive such funding, but there are many schools that do not receive such funding. The Texas Workforce Commission, as the regulatory entity, is required to contact schools to verify whether the information is held confidential, even if it is a FERPA-covered school, before they make a decision regarding whether the requested information is confidential. Student records from a non-FERPA school are not confidential, merely because they do not receive United States Department of Education funding. S.B. 711 will protect all student records, no matter what school the student attends in Texas, and treat them all as confidential. This will also allow the Texas Workforce Commission to treat all student records as confidential and not subject to disclosure.

As proposed, S.B. 711 amends current law relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities, and provides a criminal penalty.

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 B, Chapter 132, Education Code, by adding Section 132.024, as follows:

Sec. 132.024. STUDENT INFORMATION; OFFENSE; PENALTY. (a) Defines "student" and "student information."

(b) Provides that student information is not public information for purposes of Chapter 552 (Public Information), Government Code.

(c) Provides that unless permitted by Subchapter F (Records), Chapter 301 (Texas Workforce Commission), Labor Code, or Texas Workforce Commission rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, student information.

(d) Provides that an offense under Subsection (c) is a Class A misdemeanor.

SECTION 2. Effective date: September 1, 2011.