

BILL ANALYSIS

Senate Research Center
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S.B. 788
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School systems and postsecondary institutions spend considerable time negotiating Family Educational Rights and Privacy Act (FERPA) interpretations. These agreements can take months for legal teams to agree upon, slowing access to support for students and families. School systems and postsecondary institutions often spend time and resources overseeing multiple—sometimes more than a dozen—data-sharing agreements. These resources could be better invested in actionable student supports. Strong data-sharing agreements power personalized, proactive student supports, as adults supporting the same student have the access to the same, accurate, timely information.

The purpose of S.B. 788 is to direct the Texas Higher Education Coordinating Board, Texas Education Agency, and Texas Workforce Commission, to develop and make available model FERPA-compliant data-sharing agreements for voluntary use by school systems and postsecondary institutions. This will streamline the current administrative burden of having to negotiate varying legal definitions of FERPA. Guiding principles of data use and how FERPA should be interpreted would streamline inefficiencies and allow for stronger information sharing.

As proposed, S.B. 788 amends current law relating to the development of a model data-sharing agreement for sharing student information between public schools and public and private postsecondary educational institutions.

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 A, Chapter 7, Education Code, by adding Section 7.012, as follows:

Sec. 7.012. MODEL DATA-SHARING AGREEMENTS. (a) Requires the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission jointly to develop and make available a model data-sharing agreement that may be used for sharing student information between public schools and public and private postsecondary educational institutions.

(b) Requires that the model data-sharing agreement comply with federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

SECTION 2. Effective date: September 1, 2021.