

SUBJECT: Specifying that certain student information was not public information

COMMITTEE: Economic and Small Business Development — favorable, without amendment

VOTE: 9 ayes — Button, Vo, Bailes, Deshotel, Hinojosa, Leach, Metcalf, Ortega, Villalba
0 nays

WITNESSES: For — None
Against — None
On — Courtney Arbour, Texas Workforce Commission

BACKGROUND: Education Code, sec. 132.024(b) specifies that student information is not public information. Sec. 132.024(a)(2) defines "student information" to mean certain information held by the Texas Workforce Commission that could be used to identify a student.

Sec. 132.024(d) designates an offense in which a person solicits, discloses, receives, uses, authorizes, permits, participates in, or acquiesces in another's use of student information as a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

DIGEST: HB 2413 would amend the definition of "student information" in Education Code, sec. 132.024(a)(2) to include information held by a career school or college, or any other school, educational institution, or business entity from which the Texas Workforce Commission received, or regarding which the commission reviewed, information through its administration of career schools and colleges.

The bill would take effect September 1, 2017.

SUPPORTERS HB 2413 would close a loophole in current statute to ensure that student

SAY: information was protected. Currently, the only protected student information is identifying information held by the Texas Workforce Commission. However, in the case of career schools, identifying information is held by the schools, not the commission, making the law ineffective.

The bill would protect the privacy of students by ensuring that their personal information was properly maintained. Some career schools have been found to dispose of student records irresponsibly, with one even throwing away boxes full of identifying information in the dumpster. Advances in technology make identity theft an increasingly prevalent threat, and schools must be accountable for protecting student information. The bill would allow TWC to enforce laws protecting student information in cases where career schools or other entities acted with negligence.

The bill also would align laws governing career schools with laws governing other educational institutions. Currently, the Family Educational Rights and Privacy Act (FERPA) requires all schools that receive funds from the U.S. Department of Education to protect student records from public access. This is a best practice for educational institutions that also should apply to career schools.

The bill would not decrease institutional transparency. Trustees and other administrators still could access student records if they provided a justifiable educational purpose, and the bill has no relation to how courts and educational institutions determine whether those purposes are justifiable.

OPPONENTS
SAY: HB 2413 could decrease the transparency of educational institutions in Texas by exempting certain information from public access. Universities have used similar justifications of student record confidentiality to deny trustees access to critical student information, preventing accountability in the educational system by interfering with the ability of trustees to oversee institutional practices.

NOTES: A companion bill, SB 2132 by Lucio, was referred to the Senate Committee on Business and Commerce on March 28.