

BILL ANALYSIS

Senate Research Center
84R26503 DDT-D

H.B. 4046
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Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Generally, interested parties note, state public information law provides access to public information, with the exception of information considered confidential. The parties suggest that while one type of excepted information is student records at an educational institution funded wholly or partly by state revenue, the law does not define what constitutes a student record. The parties also suggest that a gap in coverage exists under certain federal privacy law with regard to an individual who applies for enrollment at an institution but does not enroll and attend. This gap, the parties continue, creates a serious privacy concern for many prospective students who are deserving of well-defined laws that protect their constitutional right to privacy.

H.B. 4046 seeks to address these issues as they relate to confidentiality of student records.

H.B. 4046 amends current law relating to the confidentiality of student records.

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 Section 552.114, Government Code, as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS. (a)
Defines "student record."

(b) Creates this subsection from existing text. Provides that information is confidential and excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information in a student record at an educational institution funded wholly or partly by state revenue. Provides that this subsection does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by 20 U.S.C. Section 1232g or other federal law.

(c) Requires that a record covered by Subsection (b), rather than a record under Subsection (a), be made available on the request of:

(1) educational institution personnel;

(2) the student involved or the student's parent, legal guardian, or spouse;
or

(3) a person conducting a child abuse investigation required by Subchapter D (Investigations), Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code.

(d) Authorizes an educational institution, except as provided by Subsection (e), to redact information covered under Subsection (b) from information disclosed under Section 552.021 without requesting a decision from the attorney general.

(e) Requires the educational institution, if an applicant for admission to an educational institution described by Subsection (b) or a parent or legal guardian of a minor applicant to an educational institution described by Subsection (b) requests information in the record of the applicant, to disclose any information that:

(1) is related to the applicant's application for admission; and

(2) was provided to the educational institution by the applicant.

SECTION 2. Effective date: September 1, 2015.