

1 **PARENTAL PERMISSION TO RELEASE STUDENT**
2 **INFORMATION**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: John L. Valentine**

6 House Sponsor: Jacob L. Anderegg

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses the release of public school student information.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits an education entity from releasing a student's personally identifiable
15 information under certain circumstances;
- 16 ▶ allows an education entity to release a student's personally identifiable information
17 if the student or the student's parent gives written permission to release the
18 information; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53A-13-301**, as last amended by Laws of Utah 2011, Chapter 401



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-13-301** is amended to read:

30 **53A-13-301. Application of state and federal law to the administration and**
 31 **operation of public schools -- Student information confidentiality standards -- Local**
 32 **school board and charter school governing board policies -- Education entities prohibited**
 33 **from sharing student information without parental consent.**

34 (1) As used in this part:

35 (a) "Authorized representative" has the same meaning as defined in 34 C.F.R. 99.3.

36 (b) "Education entity" means:

37 (i) the State Board of Education;

38 (ii) a local school board or charter school governing board;

39 (iii) a school district;

40 (iv) a public school;

41 (v) the Utah Schools for the Deaf and the Blind; or

42 (vi) an employee, volunteer, authorized representative, or other agent of an entity listed
 43 in Subsections (1)(b)(i) through (v).

44 (c) "Higher education entity" means:

45 (i) an institution of higher education described in Subsection [53B-2-101\(1\)](#); or

46 (ii) the State Board of Regents established in Section [53B-1-103](#).

47 (d) "Out of state educational agency":

48 (i) means an education agency or institution:

49 (A) located outside of the state; and

50 (B) subject to the federal Family Educational Rights and Privacy Act under 20 U.S.C.
 51 1232g and 1232h and related federal regulations; and

52 (ii) includes an authorized representative of an education agency or institution
 53 described in Subsection (1)(d)(i).

54 (e) "Person" has the same meaning as defined in Section [68-3-12.5](#).

55 (f) "Personally identifiable information" has the same meaning as defined by the
 56 Family Educational Rights and Privacy Act in 34 C.F.R. Section 99.3.

57 ~~[(1)]~~ (2) An [employee, student aide, volunteer, or other agent of the state's public
 58 education system] education entity shall protect the privacy of [students] a student, [their] a

59 student's parents, and [their families] a student's family, and support parental involvement in
60 the education of their children through compliance with the protections provided for family and
61 student privacy under Section 53A-13-302 and the federal Family Educational Rights and
62 Privacy Act and related provisions under 20 U.S.C. [~~1232 (g) and (h)~~] 1232g and 1232h, in the
63 administration and operation of all public school programs, regardless of the source of funding.

64 (3) (a) Subject to the requirements of the federal Family Educational Rights and
65 Privacy Act in 20 U.S.C. 1232g and 1232h and related federal regulations, an education entity
66 may release a student's personally identifiable information to:

67 (i) another education entity;

68 (ii) a contractor, consultant, volunteer, or other party to whom the education entity has
69 outsourced services or functions for the following purposes:

70 (A) to conduct a study or perform research; or

71 (B) to perform a service or function for which the education entity would otherwise use
72 employees;

73 (iii) a higher education entity;

74 (iv) the federal government, or the federal government's authorized representative;

75 (v) a person, if required under state or federal law; or

76 (vi) an out of state educational agency if:

77 (A) the student seeks or intends to enroll, or where the student is already enrolled, at
78 the out of state educational agency; and

79 (B) the release of personally identifiable information is for purposes related to the
80 student's enrollment or transfer.

81 (b) Except as provided in Subsections (3)(a) and (c), and in addition to the protections
82 provided for family and student privacy described in Subsection (2), an education entity may
83 not release a student's personally identifiable information to:

84 (i) an out of state educational agency; or

85 (ii) a person other than a person listed in Subsection (3)(a).

86 (c) Except as provided in Subsection (3)(a), an education entity may release a student's
87 personally identifiable information to a person or out of state educational agency if the student
88 or the student's parent gives written permission to the education entity to release the student's
89 personally identifiable information to the person or out of state educational agency.

90 ~~[(2)]~~ (4) A local school board or charter school governing board shall enact policies
91 governing the protection of family and student privacy as required by this section.

92 ~~[(3)]~~ (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
93 Act, the State Board of Education shall makes rules to establish standards:

94 (i) for public education employees, student aides, and volunteers in public schools
95 regarding the confidentiality of student information and student records~~[-]~~; and

96 (ii) regarding the provisions related to the release of a student's personally identifiable
97 information described in Subsection (3).

98 (b) The rules described in Subsection ~~[(3)]~~ (5)(a) shall provide that a local school board
99 or charter school governing board may adopt policies related to public school student
100 confidentiality to address the specific needs or priorities of the school district or charter school.

101 ~~[(4)]~~ (6) The State Board of Education shall:

102 (a) develop resource materials for purposes of training employees, student aides, and
103 volunteers of a school district or charter school regarding the confidentiality of student
104 information and student records; and

105 (b) provide the materials described in Subsection ~~[(4)]~~ (6)(a) to each school district and
106 charter school.

Legislative Review Note
as of 11-25-13 4:18 PM

Office of Legislative Research and General Counsel