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H.B. No. 4046

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of student records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.114, Government Code, is amended to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS. (a) In this section, "student record" means:

(1) information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)); or

(2) information in a record of an applicant for admission to an educational institution, including a transfer applicant.

(b) Information is confidential and excepted from the requirements of Section 552.021 if it is information in a student record at an educational institution funded wholly or partly by state revenue. 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) ~~[(b)]~~ A record covered by ~~[under]~~ Subsection (b) ~~[(a)]~~ shall be made available on the request of:

(1) educational institution personnel;

(2) the student involved or the student's parent,

1 legal guardian, or spouse; or

2 (3) a person conducting a child abuse investigation
3 required by Subchapter D, Chapter 261, Family Code.

4 (d) Except as provided by Subsection (e), an educational
5 institution may redact information covered under Subsection (b)
6 from information disclosed under Section 552.021 without
7 requesting a decision from the attorney general.

8 (e) If an applicant for admission to an educational
9 institution described by Subsection (b) or a parent or legal
10 guardian of a minor applicant to an educational institution
11 described by Subsection (b) requests information in the record of
12 the applicant, the educational institution shall disclose any
13 information that:

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

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

18 SECTION 2. This Act takes effect September 1, 2015.