

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2413
By: Burkett (Lucio)
Business & Commerce
5/11/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

At this time in Texas, career schools and colleges are required to maintain certain student records for a five-year period and others indefinitely; however, Texas statute restricts the improper solicitation, disclosure, receipt, or use of records, but these protections apply only when these records are in the possession of Texas Workforce Commission (TWC). There are no statutory protections afforded students within the Texas Education Code if a career school or college fails to properly maintain or destroy student records and personally identifiable information that are in the institution's possession. Further, the Family Educational Rights and Privacy Act (FERPA) only applies to educational agencies or institutions that receive funds from programs administered by the United States Department of Education. Career schools that do not receive these funds are not covered by FERPA.

With the rise of identity theft, protection of personally identifiable information and penalties for improper disclosure of such information have become increasingly important. H.B. 2413 ensures that TWC has authority to take enforcement action should an entity fail to protect student records and personally identifiable information from improper disclosure.

H.B. 2413 amends statutory provisions relating to career schools and colleges to bring the statute into parity with other consumer protection statutes and permit the TWC career schools and colleges program to regulate and enforce improper disclosure of student records and personally identifiable information.

The proposed legislation would change the definition of "student information" and expand it to protect personally identifiable information regarding a student in the possession of: TWC, a career school or college, or any other educational institution or business entity that is subject to TWC's administration or enforcement of Chapter 132, Education Code. (Original Author's / Sponsor's Statement of Intent)

H.B. 2413 amends current law relating to certain identifying information regarding career school or college students.

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 132.024(a)(2), Education Code, to redefine "student information" to mean identifying information regarding a student that is in the possession of the Texas Workforce Commission (TWC), a career school or college, or any other school, educational institution, or business entity from which TWC receives, or regarding which TWC reviews, information through its administration or enforcement of this chapter (Career Schools and Colleges), rather than identifying information in TWC's possession, regarding a student.

SECTION 2. Amends Section 132.024(c), Education Code, to provide that, unless permitted by Subchapter F (Records), Chapter 301 (Texas Workforce Commission), Labor Code, 34 C.F.R. Part 99, Subpart D, or TWC rule, rather than Subchapter F, Chapter 301, Labor Code, or TWC

rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, student information.

SECTION 3. Effective date: September 1, 2017.