

1 AN ACT

2 relating to the release of certain student information by a school  
3 district.

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

5 SECTION 1. Chapter 26, Education Code, is amended by adding  
6 Section 26.013 to read as follows:

7 Sec. 26.013. STUDENT DIRECTORY INFORMATION. (a) A school  
8 district shall provide to the parent of each district student at the  
9 beginning of each school year or on enrollment of the student after  
10 the beginning of a school year:

11 (1) a written explanation of the provisions of the  
12 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
13 Section 1232g), regarding the release of directory information  
14 about the student; and

15 (2) written notice of the right of the parent to object  
16 to the release of directory information about the student under the  
17 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
18 Section 1232g).

19 (b) The notice required by Subsection (a)(2) must contain:

20 (1) the following statement in boldface type that is  
21 14-point or larger:

22 "Certain information about district students is  
23 considered directory information and will be released  
24 to anyone who follows the procedures for requesting

1 the information unless the parent or guardian objects  
2 to the release of the directory information about the  
3 student. If you do not want [insert name of school  
4 district] to disclose directory information from your  
5 child's education records without your prior written  
6 consent, you must notify the district in writing by  
7 [insert date]. [Insert name of school district] has  
8 designated the following information as directory  
9 information: [Here a school district must include any  
10 directory information it chooses to designate as  
11 directory information for the district, such as a  
12 student's name, address, telephone listing, electronic  
13 mail address, photograph, degrees, honors and awards  
14 received, date and place of birth, major field of  
15 study, dates of attendance, grade level, most recent  
16 educational institution attended, and participation  
17 in officially recognized activities and sports, and  
18 the weight and height of members of athletic teams.]";

19 (2) a form, such as a check-off list or similar  
20 mechanism, that:

21 (A) immediately follows, on the same page or the  
22 next page, the statement required under Subdivision (1); and

23 (B) allows a parent to record:

24 (i) the parent's objection to the release of  
25 all directory information or one or more specific categories of  
26 directory information if district policy permits the parent to  
27 object to one or more specific categories of directory information;

1                   (ii) the parent's objection to the release  
2 of a secondary student's name, address, and telephone number to a  
3 military recruiter or institution of higher education; and

4                   (iii) the parent's consent to the release of  
5 one or more specific categories of directory information for a  
6 limited school-sponsored purpose if such purpose has been  
7 designated by the district and is specifically identified, such as  
8 for a student directory, student yearbook, or district publication;  
9 and

10               (3) a statement that federal law requires districts  
11 receiving assistance under the Elementary and Secondary Education  
12 Act of 1965 (20 U.S.C. Section 6301 et seq.) to provide a military  
13 recruiter or an institution of higher education, on request, with  
14 the name, address, and telephone number of a secondary student  
15 unless the parent has advised the district that the parent does not  
16 want the student's information disclosed without the parent's prior  
17 written consent.

18               (c) A school district may designate as directory  
19 information any or all information defined as directory information  
20 by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
21 Section 1232g). Directory information under that Act that is not  
22 designated by a district as directory information for that district  
23 is excepted from disclosure by the district under Chapter 552,  
24 Government Code.

25               (d) Directory information consented to by a parent for use  
26 only for a limited school-sponsored purpose, such as for a student  
27 directory, student yearbook, or school district publication, if any

1 such purpose has been designated by the district, remains otherwise  
2 confidential and may not be released under Chapter 552, Government  
3 Code.

4 SECTION 2. This Act applies beginning with the 2005-2006  
5 school year.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.

Raid Newburn  
President of the Senate

Jim Coady  
Speaker of the House

I hereby certify that S.B. No. 256 passed the Senate on March 17, 2005, by the following vote: Yeas 31, Nays 0.

Larry Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 256 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Honey  
Chief Clerk of the House

Approved:

17 JUNE 05  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM O'CLOCK

Roger Williams  
Secretary of State  
JUN 17 2005