

Regular Session, 2014

SENATE BILL NO. (Substitute of Senate Bill No. 536 by Senator LaFleur)

BY SENATOR LAFLEUR

STUDENTS. Prohibits the sale, transfer, sharing or processing of student data for commercial advertising, or marketing, or any other commercial purpose. (8/1/14)

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AN ACT

To enact R.S. 17:184, relative to student data; to prohibit the use of student data for commercial purposes; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:184 is hereby enacted to read as follows:

§184. Student data; legislative findings; definitions; prohibitions

A. The legislature finds that in a time when the personal data of individuals has become a valuable commodity, the information held by schools and school districts gives rise to serious concerns regarding the security of this information.

B.(1) As used in this Section, "student data" means data collected or reported at the individual student level included in a student's educational record. Student data includes all of the following:

(a) State and national assessment results, including information on untested public school students.

(b) Courses taken and completed, credits earned, and other transcript information.

- 1 (c) Course grades and grade point average.
- 2 (d) Date of birth, grade level and expected graduation date or
- 3 graduation cohort.
- 4 (e) Degree, diploma, credential attainment, and other school exit
- 5 information.
- 6 (f) Attendance and mobility.
- 7 (g) Data required to calculate the federal four-year adjusted cohort
- 8 graduation rate, including sufficient exit and drop-out information.
- 9 (h) Remediation.
- 10 (i) Special education data.
- 11 (j) Demographic data and program participation information.
- 12 (2) Unless currently included a particular student's record, "student
- 13 data" shall not include the following:
- 14 (a) Juvenile court records.
- 15 (b) Criminal records.
- 16 (c) Medical and health records, unless the student has an Individualized
- 17 Education Plan and the medical or health records are included in the student's
- 18 educational record.
- 19 (d) Student biometric information.
- 20 (e) Student Social Security number.
- 21 C.(1) No school, school system, local or state governmental agency,
- 22 public or private entity, or any person with access to student data shall sell,
- 23 transfer, share, or process any student data for use in commercial advertising,
- 24 or marketing, or any other commercial purpose.
- 25 (2) The provisions of Paragraph (1) of this Subsection shall not apply to
- 26 a student's parents or legal custodians, or students having the capacity to
- 27 consent.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

LaFleur (SB)

Proposed law provides that no school, school system, local or state governmental agency, public or private entity, or any person with access to student data shall sell, transfer, share, or process any student data for use in commercial advertising, or marketing, or any other commercial purpose. Provides that proposed law does not apply to a student's parents or legal custodians, or students having the capacity to consent.

Proposed law defines "Student data" as data collected or reported at the individual student level and included in a student's educational record. Provides that student data includes state and national assessment results; course taking and completion, credits earned, and other transcript information; course grades and grade point average; date of birth, grade level, and expected graduation date or graduation cohort; degree, diploma, credential attainment, and other school exit information; attendance and mobility; data required to calculate the federal four-year adjusted cohort graduation rate; remediation; special education data; and demographic data and program participation information. Provides that student data does not include, unless included in a student's educational record, juvenile court records; criminal records; certain medical and health records; student biometric information, or student Social Security number.

Effective August 1, 2014.

(Adds R.S. 17:184)