

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** CS/SB 464a

**49th Legislature, 1st Session, 2009**

**Short Title:** Release of Public School Student Info

**Sponsor(s):** Senator Gerald Ortiz y Pino and Others

**Analyst:** Dorinda Fox

**Date:** March 20, 2009

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 464**

**AS AMENDED**

**The House Education Committee amendment:**

- **adds language to clarify that:**
  - **students who have reached the age of majority or parents of minor students have the right to withhold personally identifiable information from postsecondary recruiters;**
  - **the required school district or charter school annual record of students who have reached the age of majority and parents of minor students who choose to withhold the student's personal information shall be considered the final choice of the student or parent unless later changed in writing by the student who has reached the age of majority or the parent of a minor student; and**
- **strikes the paragraph prohibiting release of information prior to a school district's or charter school's 40<sup>th</sup> school day.**

**Original Bill Summary:**

CS/SB 464 adds a new section to the *Public School Code* to require public high school students and parents to be notified of their right to withhold personal student information from postsecondary recruiters. The bill establishes limitations on recruiters seeking access to public high schools including representatives of colleges, universities, the armed services, businesses, employers, and service organizations.

Among its provisions, CS/SB 464:

- defines "postsecondary recruiter" as a person who recruits students to enroll in a school, college, or university; to join a branch of the armed services; to join a community or national service organization; or to join a business, firm, or other employment;
- requires school districts and charter schools to develop a postsecondary recruitment policy for high schools that:
  - provides two written notifications to students and parents that explain the right to withhold personally identifiable and student directory information;
  - maintains a record of students and parents who choose to withhold information;
  - releases student personal information after the 40<sup>th</sup> school day;

- limits the number of visits and total hours of access per recruiter;
- requires 48-hour advance notification before a postsecondary recruiter is allowed to visit the high school;
- maintains a publicly available log of recruiters, their sponsoring organizations, and their times and dates of visits to the campus;
- requires postsecondary recruiters to remain in designated locations that are publicly visible and accessible;
- obtains written permission of a parent before allowing a student to leave campus with a recruiter; and
- provides equal access to all postsecondary recruiters, without preference to any individual or group of organizations.

**Fiscal Impact:**

CS/SB 464 does not make an appropriation.

**Issues:**

The Public Education Department (PED) analysis states that CS/SB 464 seeks to protect parents and students from excessive, unsupervised, and unwanted visits by various recruiters when they visit high schools to engage in recruiting activities.

According to PED, this bill relates to Title 10 US Code, Section 503 of federal law that addresses military recruitment in secondary schools that receive funding under the *Elementary and Secondary Education Act of 1965* (amended as the *No Child Left Behind Act of 2001*). Section 503 permits military recruiters access to secondary schools to obtain student names, addresses, and telephone listings so that they can engage in recruiting activities. It also prohibits release of:

a student’s name, address, and telephone listing. . .without the prior written consent of a parent of the student if the student, or a parent of the student, has submitted a request to the [school administration] that the student’s information not be released. . .without prior written parental consent. Each [school administration] shall notify parents of the rights provided under the preceding sentence.

The analysis by staff of the Office of the Attorney General noted the requirements of the bill without comment except one as it relates to other state law; i.e., the bill appears to create an “as otherwise provided by law” exception to the *Inspection of Public Records Act*, NMSA 1978 Section 14-2-1(A)(12).

**Technical Issues:**

The Department of Finance Administration notes the language in this bill that refers to the 40<sup>th</sup> school day (p. 3, lines 1-2) conflicts with proposed changes in reporting dates of student enrollment found in HB 140 and HB 331. Each of these bills proposes to replace the 40<sup>th</sup> day reporting date for school districts and charter schools to the second Wednesday in October.

**Related Bills:**

HB 140a *Public School Finance Reporting Dates*  
 HB 331a *Public School Funding Formula*