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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/03/09  
 LAST UPDATED 03/19/09

SPONSOR SEC HB \_\_\_\_\_

SHORT TITLE Release of Public School Student Info SB CS/464/aHEC

ANALYST Aguilar

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with HB 140 and HB 331

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)  
 Office of Educational Accountability (OEA)  
 Higher Education Department (HED)

### SUMMARY

#### Synopsis of HEC Amendment

The House Education Committee amendment to Senate Education Committee substitute for Senate Bill 464 provides for those students that have reached the age of majority to receive notifications and make determinations on their own behalf. The changes do not affect parental control and oversight of minor children. The amendment also makes technical changes to language.

The amendment also removes language prohibiting school districts and charter schools from releasing student personal information to post secondary recruiters prior to the 40<sup>th</sup> school day.

#### Synopsis of Original Bill

The Senate Education Committee substitute for Senate Bill 464 establishes uniform limitations on recruiters seeking access to public high school and charter school students for the purpose of recruiting the students to enroll in a school, join the military or service organization, or to join a business.

The bill requires school districts or charter schools to establish a policy that limits the activities of recruiters and provides a means for parents and children to be made aware of their options and choices to opt out of student record information sharing.

### **FISCAL IMPLICATIONS**

None Noted.

### **SIGNIFICANT ISSUES**

The bill requires school districts and charter high schools to adopt a postsecondary recruitment policy that includes”

- Providing two notifications to its students and parents that they have a right to withhold personally identifiable information from any and all post-secondary recruiters; establishes a two-week prior notice requirement and choice of method by which students and parents may make their choice;
- Maintaining an annual record of students and parents who choose to withhold the student’s personal information from all secondary school recruiters and specifies choice will remain in force for the duration of the student’s attendance at that high school unless changed in writing by the student or parent;
- Not releasing any student personal information to a recruiter prior to the school district’s or charter school’s 40th day enrollment;
- Limiting number of visits and total number of hours that post-secondary recruiters have access to a student;
- Requiring advance notice of at least 48 hours prior to a visit of a recruiter to a high school campus;
- Maintaining a publicly available log of recruiters, including host organization and dates/times of visits to engage in recruiting activities;
- Requiring post-secondary recruiters to remain in designated public areas or campus;
- Requiring the written permission of a student’s parent before allowing the student to leave campus with the recruiter; and
- Providing for equal access to all post-secondary recruiters requesting access without any preference to an individual or group.

### **TECHNICAL ISSUES**

In CS/SB 464 the rationale for excluding the “high” from charter high school is unclear. It appears that, if enacted, the bill would apply to all charter schools as opposed to just those charter schools that serve grades 9-12. As a result, this requirement may pose an unnecessary burden upon charter schools that serve only grades pre-kindergarten through 8th grade.

In addition, it is unclear whether CS/HB 464 applies to state-chartered charter schools. If so, does wording need to be included to make this explicit?

PA/mt:svb