

Model State Law
Student Privacy Protection Act

Section 1. Title

This Act shall be known and cited as the “Student Privacy Protection Act.” This Act shall be liberally and remedially construed to effectuate its purpose. The purpose of the Act is to protect the privacy of students by establishing standards for the disclosure of directory information about students by schools.

Section 2. Definitions

(a) “School” means any [public school, any non-public school of secondary education, and any school of higher education].

(b) “Student”, “directory information”, “eligible student”, and “personally identifiable information” have the same meaning as in 34 Code of Federal Regulations Part 99.

(c) “Personally identifiable student information” means personally identifiable information and directory information.

(d) “Disclosable directory information” means with respect to a student, the student’s name; photograph; age; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

Section 3. Limits on Disclosure of Student Information

(a) A school shall disclose personally identifiable student information about a student to the parent of the student or to the eligible student in accordance with applicable law.

(b) A school may disclose directory information about a student as provided in 34 Code of Federal Regulations Section 99.37 only:

(1) after giving the parent of the student or the eligible student at the school notice and an opportunity to opt-out of the disclosure in accordance with Section 4;

(2) if the disclosure does not include any personally identifiable student information other than disclosable directory information; and

(3) if the disclosure is to a school newspaper; local newspaper; school club or organization; school yearbook; honor roll or other recognition list; graduation program; sports related publication which provides specific information about

particular students for the purposes of a specific sports activity or function; or parent and teacher organization.

(c) A school may disclose personally identifiable student information with the affirmative consent of the parent of the student or the eligible student in accordance with the procedure described in section 4(b)(3) of this Act if the disclosure is to a non-profit organization:

(1) that states in writing that it seeks the information for a specific identified purpose determined by the school to be in the educational interest of the student;

(2) that states in writing that it will use the information only for the specific identified purpose and will return or destroy the information when the purpose has been fulfilled, but not later than one year after receipt;

(3) that states in writing that it has not used or disclosed personally identifiable student information from any school in a manner inconsistent with the terms of disclosure within the past five years; and

(4) if the school has no reason to believe that the recipient used or disclosed personally identifiable student information from any school in a manner inconsistent with the terms of the disclosure within the past five years.

(d) Unless otherwise expressly allowed by law, a school may not disclose personally identifiable student information about a student, even with the affirmative consent of the parent of the student or the eligible student, for any commercial, for-profit activity, including but not limited to use for:

(1) marketing products or services;

(2) selling or renting personally identifiable student information for use in marketing products or services;

(3) creating, correcting, or updating an individual or household profile;

(4) compilation of a list of students;

(5) or any other purpose considered by the school as likely to be a commercial, for-profit activity.

(e) In making an allowable disclosure under section 2 of this Act, a school may only disclose the minimum amount of information necessary to accomplish the purpose of the disclosure.

Section 4. Notice

(a) Within the first week of each school year, each school shall issue a public notice, include in a student or parent handbook, and provide to each student in a form that the student can retain or

give to a parent, information describing the school's disclosure procedures for personally identifiable student information.

(b) The information required under subsection (a) shall include:

(1) a description of any personally identifiable student information that the school expects to disclose during the school year;

(2) the procedure that a parent of a student or an eligible student can follow to prohibit the school from disseminating disclosable directory information under section 3 of this Act; and

(3) the procedure that a parent of a student or an eligible student can follow to authorize the school to disseminate personally identifiable student information under section 3 of this Act.

(c) If the school does not receive an objection from the parent of a student or the eligible student within thirty days of the dissemination of the information required to be provided under subsection (a), the school may disseminate disclosable directory information relating to the student pursuant to section 3 of this Act..

Section 5. Effective Date

This Act shall take effect on July 1 following the date of enactment. If there is less than six months between the date of enactment and July 1, the Act shall take effect on July 1 in the year following the date of enactment.

Sheila Kaplan
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