

ASSEMBLY BILL

No. 2994

**Introduced by Assembly Members Lieber and Hancock
(Coauthor: Assembly Member Leno)**

February 22, 2008

An act to amend Section 49073.5 of the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2994, as introduced, Lieber. Pupil records: release of information.

Existing law allows the governing board of a school district to require the parent or guardian of a pupil to provide current emergency information, as specified, to the pupil's school of attendance. Existing law states the intent of the Legislature that a school district, in adopting a policy governing the release of pupil directory information, as specified, not purposefully exclude any military service representative from access to that information. Existing law further states the intent of the Legislature, in the interest of pupil confidentiality, that school districts minimize the release of pupil telephone numbers in the absence of express parental consent.

This bill would require a school district, that requires the parent or guardian of a secondary school pupil to provide current emergency information to the pupil's school of attendance, to include a notice in the emergency information request form that informs the parent or guardian and pupil of his or her right under federal law to request that the pupil's name, address, and telephone number not be released to military recruiters or institutions of higher education, as specified, without the prior written consent of the parent or guardian and that allows the parent, guardian, or pupil the ability to indicate on the

emergency information request form that he or she chooses to separately prohibit the release of the pupil’s name, address, and telephone number listing, as specified. The bill would provide that a request by a pupil would prevail over the request of a parent or guardian. The bill would require a school district to provide the notice in English and all other languages that the school district uses for its emergency information request form.

The bill also would require a secondary school that administers to any of its pupils the Armed Services Vocational Aptitude Battery (ASVAB) test to notify the military representative responsible for administering the ASVAB test that the ASVAB shall only be administered on school grounds during school hours upon the agreement that pupil information obtained in conjunction with the administration of the ASVAB test will not be used by the Armed Forces for recruiting purposes. The bill would define the term “pupil” for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Student and Family Privacy Protection Act of 2008.

3 SEC. 2. Section 49073.5 of the Education Code is amended to
4 read:

5 49073.5. (a) It is the intent of the Legislature that a school
6 district, in adopting a policy pursuant to Section 49073 governing
7 the release of pupil directory information, not purposefully exclude
8 any military services representative from access to that ~~information.~~

9 ~~(b) It~~ *information. It is further the intent of the Legislature, in*
10 *the interest of pupil confidentiality, that school districts minimize*
11 *the release of pupil telephone numbers in the absence of express*
12 *parental consent. The Legislature finds and declares that the*
13 *nondisclosure of pupil telephone numbers will reduce the*
14 *possibility of harassment of pupils and their families by*
15 *organizations that receive pupil directory information.*

16 *(b) A school district that requires, pursuant to Section 49408,*
17 *the parent or guardian of a secondary school pupil to provide*
18 *current emergency information to the pupil’s school of attendance*
19 *shall include a notice in the emergency information request form*
20 *that does all of the following:*

1 (1) *Informs the parent or guardian and pupil of (A) his or her*
2 *right under Section 503(c)(1)(B) of Title 10 of the United States*
3 *Code to request that the pupil's name, address, and telephone*
4 *number listing not be released to military recruiters, and (B) his*
5 *or her right under Section 7908(a)(2) of Title 20 of the United*
6 *States Code to request that the pupil's name, address, and*
7 *telephone number listing not be released to military recruiters or*
8 *institutions of higher education without the prior written consent*
9 *of the parent or guardian.*

10 (2) *Offers the parent, guardian, or pupil the ability to indicate*
11 *on the request form that he or she chooses to separately prohibit*
12 *the release of the pupil's name, address, and telephone number*
13 *listing to each of the following:*

14 (A) *Military recruiters.*

15 (B) *Institutions of higher education.*

16 (C) *Prospective employers.*

17 (3) *The request of a pupil made pursuant to paragraph (1) shall*
18 *prevail over the request of a parent or guardian.*

19 (c) *The notice required by subdivision (b) shall be provided in*
20 *English and all other languages a school district uses when making*
21 *a request for emergency information pursuant to Section 49408.*

22 (d) *To further protect pupil privacy and the right of parents,*
23 *guardians, and pupils to request, pursuant to subdivision (b), that*
24 *the pupil's name, address, and telephone listing not be released*
25 *to military recruiters, a secondary school that administers to any*
26 *of its pupils the Armed Services Vocational Aptitude Battery*
27 *(ASVAB) test shall notify the military representative responsible*
28 *for administering the ASVAB test that the ASVAB shall be*
29 *administered only on school grounds during school hours upon*
30 *the agreement that pupil information obtained in conjunction with*
31 *the administration of the ASVAB test will not be used by the Armed*
32 *Forces for recruiting purposes. Nothing in this section shall prevent*
33 *or deter a parent, guardian, or pupil from electing to release the*
34 *pupil's ASVAB test results, name, address, and telephone listing*
35 *to a military representative.*

36 (e) *For purposes of this section, "pupil" includes an individual*
37 *who is under 18 years of age.*

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