

Assembly Bill No. 2994

Passed the Assembly May 27, 2008

Chief Clerk of the Assembly

Passed the Senate August 5, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2994, 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 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 authorize a secondary school to administer the Armed Services Vocational Aptitude Battery (ASVAB) test to pupils only if pupil information obtained in conjunction with

the test will not be used by the Armed Forces for recruiting purposes. A school would be required to notify the local ASVAB representative responsible for coordinating the ASVAB test of that condition at the time the school makes a request to the representative to administer the test.

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

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

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

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

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

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

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

- (A) Military recruiters.
- (B) Institutions of higher education.
- (C) Prospective employers.

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

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

(d) (1) To further protect pupil privacy and the right of parents, guardians, and pupils to request, pursuant to subdivision (b), that the pupil's name, address, and telephone number listing not be released to military recruiters, a secondary school may administer the Armed Services Vocational Aptitude Battery (ASVAB) test to pupils only if pupil information gathered in conjunction with the test will not be used by the Armed Forces for recruiting purposes.

(2) A school shall notify the local ASVAB representative responsible for coordinating the ASVAB test of the condition described in paragraph (1) at the time the school makes a request to the representative to administer the test.

(3) Nothing in this section shall prevent or deter a parent, guardian, or pupil from electing, after the ASVAB test has been processed, individually to release the pupil's ASVAB test results, name, address, and telephone number listing to a military representative.

Approved _____, 2008

Governor