



Senate Education Committee

Senator Jeffrey E. Piccola
Chairman

Dave Transue
Executive Director
dtransue@pasen.gov

Diane McNaughton
Deputy Executive Director
dmmcnaughton@pasen.gov

Karen Seivard
Committee Counsel
kseivard@pasen.gov

Room 173 Capitol Building, Senate Box 203015, Harrisburg, Pennsylvania 17120-3015 • 717-787-6801 • 717-783-3722

BILL SUMMARY

Senate Bill 343, Printer's No. 335

Prime Sponsor: Piccola

A. SYNOPSIS:

Senate Bill 343 would permit the Pennsylvania Department of Education (PDE) to collect from institutions of higher education information that might reveal the identity of a specific student only where PDE is specifically required to do so under Federal or state law. Where PDE is allowed to collect such information, the bill would require PDE to describe in detail its legal authority to collect the information and would allow students to opt-out from allowing their college to provide PDE with identifying information. Senate Bill 343 would also provide liability protection to higher education institutions that disclose information to PDE at PDE's request, and would also establish an advisory committee to offer recommendations to PDE on the collection of identifying information and other data from institutions of higher education.

B. BILL ANALYSIS:

Senate Bill 343 would amend the Public School Code of 1949 to add a new section specifically related to the collection of identifying information from students attending institutions of higher education. The bill provides as follows:

- (1) PDE may collect student identifying information from institutions of higher education only if PDE is specifically required to do under a federal or state statute or regulation.
- (2) Before collecting any identifying information from an institution of higher education, PDE must provide the institution with written notice of the identifying information PDE seeks to collect and the date by which a student who wishes to do so may opt-out of having his or her information released.
- (3) Upon receiving the notice described in paragraph (2), the institution must provide those students who are subject to the data request with electronic notice of PDE's request and of the student's ability to opt-out by a certain date. The electronic notice must direct students to an Internet web page maintained by PDE that will contain the following information:
 - (a) A description of the identifying information PDE seeks to collect;
 - (b) A statement of PDE's legal authority to collect the information;
 - (c) A statement informing students that they may opt-out of PDE's data collection by a certain date; and
 - (d) An electronic link the student may use to opt-out.

- (4) Following the opt-out date, PDE must provide the institution with a list of those students who have opted-out.
- (5) The institution may provide PDE with identifying information for only those students who have not opted-out.
- (6) Where the federal Family Educational Rights and Privacy Act (FERPA) requires a student's written consent to the disclosure of identifying information, FERPA would prevail.
- (7) An institution of higher education that discloses identifying information to PDE at PDE's request will not be held liable in a court of law for any breach of confidentiality resulting from actions of PDE or its staff, contractors or researchers.
- (8) The Secretary of Education must establish an advisory committee to offer recommendations to PDE concerning the collection of identifying information and other data from institutions of higher education. The Secretary, who would serve as chairperson, would be required to appoint six members, including representatives of the following: community colleges; the State System of Higher Education; state-related institutions; accredited private or independent colleges or universities; private licensed schools; and PDE's technology staff. The advisory committee would meet quarterly, with its first meeting occurring within 60 days of the effective date of the amendment. Members of the advisory committee would serve without compensation.

The amendment would take effect 90 days from its enactment.

B. SUMMARY OF RELEVANT EXISTING LAW:

Although under the Rendell Administration PDE began to collect personally identifying information regarding students attending institutions of higher education, PDE does not have statutory authority to collect such information. Senate Bill 343 would amend the School Code to give PDE authority to collect personally identifying information only in certain circumstances and would require PDE to take certain steps to be permitted to collect the information.