

7414--A

I N S E N A T E

April 8, 2010

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to personal information in school directories

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section
2 3212-b to read as follows:
3 S 3212-B. STUDENT DIRECTORY INFORMATION. 1. A SCHOOL DISTRICT OR
4 SCHOOL RELATED ASSOCIATION MAY NOT DISCLOSE TO A THIRD PARTY ANY STUDENT
5 DIRECTORY PERSONAL CONTACT INFORMATION, RELATING TO A STUDENT PREVIOUSLY
6 OR CURRENTLY ENROLLED AT A SCHOOL WITHIN SUCH DISTRICT WITHOUT FIRST
7 OBTAINING THE EXPRESS WRITTEN CONSENT OF A STUDENT, WHO HAS REACHED
8 EIGHTEEN YEARS OF AGE, OR THE PARENT OR GUARDIAN OF A STUDENT UNDER THE
9 AGE OF EIGHTEEN. EXPRESS WRITTEN CONSENT SHALL BE OBTAINED FROM THE
10 APPROPRIATE PARTY ANNUALLY AT THE COMMENCEMENT OF THE SCHOOL YEAR AND
11 EACH YEAR THEREAFTER FOR THE TERM OF THE STUDENT'S ENROLLMENT. STUDENT
12 DIRECTORY PERSONAL CONTACT INFORMATION SHALL INCLUDE THE STUDENT'S
13 ADDRESS, PHONE NUMBER, EMAIL ADDRESS, OR ANY OTHER INFORMATION THAT MAY
14 BE USED TO CONTACT THE STUDENT DIRECTLY. SUCH INFORMATION MAY BE
15 PROVIDED TO OFFICIALS OR PERSONNEL WITHIN A SCHOOL DISTRICT OR TO OFFI-
16 CIALS IN ANOTHER SCHOOL DISTRICT IN THE CASE OF A MOVE OR TRANSFER OF
17 SUCH STUDENT OR TO LOCAL, COUNTY, OR STATE AGENCIES WHEN NECESSARY.
18 2. A SCHOOL DISTRICT OR SCHOOL RELATED ASSOCIATION MAY DISCLOSE TO A
19 THIRD PARTY ANY STUDENT DIRECTORY, NON-PERSONAL CONTACT INFORMATION
20 RELATING TO A STUDENT PREVIOUSLY OR CURRENTLY ENROLLED AT A SCHOOL,
21 PROVIDED THAT:
22 A. THE INFORMATION DISCLOSED CAN NOT BE USED TO CONTACT THE STUDENT
23 DIRECTLY; AND
24 B. THE SCHOOL DISTRICT OR SCHOOL RELATED ASSOCIATION FIRST GIVES A
25 STUDENT, WHO HAS REACHED EIGHTEEN YEARS OF AGE, OR THE PARENT OR GUARDI-
26 AN OF A STUDENT UNDER THE AGE OF EIGHTEEN, EXPRESS WRITTEN NOTICE OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 THEIR INTENT TO DISCLOSE THIS INFORMATION AND OPPORTUNITY TO OPT-OUT OF
2 HAVING THEIR STUDENT DIRECTORY, NON-PERSONAL CONTACT INFORMATION
3 DISCLOSED. EXPRESS WRITTEN CONSENT SHALL BE OBTAINED FROM THE APPROPRI-
4 ATE PARTY ANNUALLY AT THE COMMENCEMENT OF THE SCHOOL YEAR AND EACH YEAR
5 THEREAFTER FOR THE TERM OF THE STUDENT'S ENROLLMENT. STUDENT DIRECTORY,
6 NON-PERSONAL CONTACT INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO THE
7 STUDENT'S NAME, GRADE LEVEL, AGE, DATE AND PLACE OF BIRTH, MAJOR FIELD
8 OF STUDY, PARTICIPATION IN OFFICIALLY RECOGNIZED ACTIVITIES AND SPORTS,
9 WEIGHT AND HEIGHT OF MEMBERS OF ATHLETIC TEAMS, DATES OF ATTENDANCE,
10 DEGREES AND AWARDS RECEIVED, AND THE MOST RECENT PREVIOUS EDUCATIONAL
11 AGENCY OR INSTITUTION ATTENDED BY THE STUDENT.

12 S 2. Notwithstanding any other provisions in this act the military as
13 defined under section one of the military law and higher education
14 institutions as defined under section two of the education law shall be
15 provided a students name, address, and phone number without first having
16 to acquire consent from the student themselves, if they are over eigh-
17 teen, or the parent or guardian of a student under eighteen. Provided,
18 however, a student themselves, if they are over eighteen, or the parent
19 or guardian of a student under eighteen may request at the commencement
20 of the school year that the student's name, address, and phone number
21 not be released to the military or any higher education institutions.

22 S 3. This act shall take effect immediately.