

10795

I N A S S E M B L Y

April 21, 2010

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education

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. STUDENT DIRECTORY PERSONAL CONTACT INFORMATION SHALL
10 INCLUDE THE STUDENT'S ADDRESS, PHONE NUMBER, EMAIL ADDRESS, OR ANY OTHER
11 INFORMATION THAT MAY BE USED TO CONTACT THE STUDENT DIRECTLY. SUCH
12 INFORMATION MAY BE PROVIDED TO OFFICIALS OR PERSONNEL WITHIN A SCHOOL
13 DISTRICT OR TO OFFICIALS IN ANOTHER SCHOOL DISTRICT IN THE CASE OF A
14 MOVE OR TRANSFER OF SUCH STUDENT.
15 2. A SCHOOL DISTRICT OR SCHOOL RELATED ASSOCIATION MAY DISCLOSE TO A
16 THIRD PARTY ANY NON-DIRECT STUDENT DIRECTORY CONTACT INFORMATION RELAT-
17 ING TO A STUDENT PREVIOUSLY OR CURRENTLY ENROLLED AT A SCHOOL, PROVIDED
18 THAT:
19 A. THE INFORMATION DISCLOSED CAN NOT BE USED TO CONTACT THE STUDENT
20 DIRECTLY; AND
21 B. THE SCHOOL DISTRICT OR SCHOOL RELATED ASSOCIATION FIRST GIVES A
22 STUDENT, WHO HAS REACHED EIGHTEEN YEARS OF AGE, OR THE PARENT OR GUARDI-
23 AN OF A STUDENT UNDER THE AGE OF EIGHTEEN, EXPRESS WRITTEN NOTICE OF
24 THEIR INTENT TO DISCLOSE THIS INFORMATION AND OPPORTUNITY TO OPT-OUT OF
25 HAVING THEIR DIRECT CONTACT INFORMATION DISCLOSED. NON-PERSONAL CONTACT
26 INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO THE STUDENT'S NAME,
27 GRADE LEVEL, AGE, DATE AND PLACE OF BIRTH, MAJOR FIELD OF STUDY, PARTIC-
28 IPATION IN OFFICIALLY RECOGNIZED ACTIVITIES AND SPORTS, WEIGHT AND

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

1 HEIGHT OF MEMBERS OF ATHLETIC TEAMS, DATES OF ATTENDANCE, DEGREES AND
2 AWARDS RECEIVED, AND THE MOST RECENT PREVIOUS EDUCATIONAL AGENCY OR
3 INSTITUTION ATTENDED BY THE STUDENT.
4 S 2. This act shall take effect immediately.