

AMENDED IN ASSEMBLY MAY 3, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1778**

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**Introduced by Assembly Members Lieber and Hancock**  
**(Coauthors: Assembly Members *Berg, Chan, Dymally, Evans,***  
***Goldberg, Jerome Horton, and Leno Jones, Laird, Leno, Nation,***  
***and Pavley)***

January 4, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1778, as amended, Lieber. Pupil records: release of information: military recruiters.

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 legal guardian of a ~~high~~ *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* legal guardian, and pupil of his or her right under ~~the No~~

~~Child Left Behind Act of 2001 federal law to request that the pupil's name, address, and telephone listing of the pupil number not be released to military recruiters or institutions of higher education, as specified, without his or her the prior written consent of the parent or legal guardian, and that allows the parent, legal guardian, or pupil to indicate on the request form that he or she chooses to make such a request. The bill would require a school district to provide the notice in English and in whatever any other language the school district already uses for its emergency information request form. The bill would also provide that a request by a parent, legal guardian, or pupil to not release a pupil's information without prior written consent, would not prohibit the high school from releasing that pupil information to postsecondary educational institutions or prospective employers.~~

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 2006.
- 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
- 8 exclude any military recruiter from access to that information. It
- 9 is further the intent of the Legislature, in the interest of pupil
- 10 confidentiality, that school districts minimize the release of pupil
- 11 telephone numbers in the absence of express parental consent.
- 12 The Legislature finds and declares that the nondisclosure of pupil
- 13 telephone numbers will reduce the possibility of harassment of
- 14 pupils and their families by organizations that receive pupil
- 15 directory information.
- 16 (b) A school district that requires, pursuant to Section 49408,
- 17 the parent or guardian of a ~~high~~ secondary school pupil to
- 18 provide current emergency information to the pupil's school of
- 19 attendance shall include a notice in the emergency information
- 20 request form that does all of the following:

1 (1) Informs the parent, *or* legal guardian, and pupil of his or  
2 her right to request, pursuant to ~~Section 7908(a)(2)~~ *Section*  
3 *503(c)(1)(B) of Title 10 of the United State Code*, that the pupil's  
4 name, address, and telephone *number* listing not be released to  
5 military recruiters , *and of his or her right under Section*  
6 *7908(a)(2) of Title 20 of the United States Code to request that*  
7 *the pupil's name, address, and telephone number listing not be*  
8 *released to military recruiters or institutions of higher education,*  
9 without the prior written consent of a parent, legal guardian, or  
10 pupil if 18 years of age or older. *consent of the parent or legal*  
11 *guardian.*

12 (2) Allows the parent, legal guardian, or pupil to indicate on  
13 the request form that he or she chooses to make the request *one*  
14 *or both of the requests* specified in paragraph (1).

15 ~~(e) A request, pursuant to subdivision (b), shall not prohibit a~~  
16 ~~high school from releasing pupil information, as specified in~~  
17 ~~paragraph (1), to postsecondary educational institutions or~~  
18 ~~prospective employers.~~

19 ~~(d) A~~

20 (c) *The* notice required by subdivision (b) shall be provided in  
21 English and ~~in whatever~~ *any* other language a school district uses  
22 ~~in its~~ *when making a request* for emergency information pursuant  
23 to Section 49408.