

AMENDED IN SENATE SEPTEMBER 4, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1068

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Sections 49073 and 49076 of the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, as amended, Bloom. Pupil records.

(1) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except to specified persons under certain circumstances, including to a pupil 16 years of age or older or who has completed grade 10.

This bill would additionally permit access to a pupil who is 14 years of age or older if the pupil is both a homeless child or youth and an unaccompanied youth, as defined, and to an individual who has completed and signed a Caregiver's Authorization Affidavit for purposes of enrolling a minor in school. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

(2) Existing law authorizes school districts to release pupil directory information, as specified, and defines directory information as one or more prescribed items, including, among others, a pupil's name, address, telephone number, and date of birth.

This bill would prohibit the release of directory information of any pupil identified as a homeless child or youth, as defined, unless a parent

or eligible pupil has given written consent that such information may be released.

(3) *This bill would incorporate additional changes to Section 49076 of the Education Code, proposed by AB 643, to be operative only if AB 643 and this bill are both chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.*

~~(3)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 49073 of the Education Code is amended
2 to read:
3 49073. (a) School districts shall adopt a policy identifying
4 those categories of directory information as defined in subdivision
5 (c) of Section 49061 that may be released. The school district shall
6 determine which individuals, officials, or organizations may receive
7 directory information. However, no information may be released
8 to a private profitmaking entity other than employers, prospective
9 employers, and representatives of the news media, including, but
10 not limited to, newspapers, magazines, and radio and television
11 stations. The names and addresses of pupils enrolled in grade 12
12 or who have terminated enrollment before graduation may be
13 provided to a private school or college operating under Chapter 8
14 (commencing with Section 94800) of Part 59 of Division 10 of
15 Title 3 or its authorized representative. However, no such private
16 school or college shall use that information for other than purposes
17 directly related to the academic or professional goals of the
18 institution, and a violation of this provision is a misdemeanor,
19 punishable by a fine of not to exceed two thousand five hundred
20 dollars (\$2,500). In addition, the privilege of the private school or
21 college to receive the information shall be suspended for a period

1 of two years from the time of discovery of the misuse of the
2 information. Any school district may limit or deny the release of
3 specific categories of directory information to any public or private
4 nonprofit organization based upon a determination of the best
5 interests of pupils.

6 (b) Directory information may be released according to local
7 policy as to any pupil or former pupil. However, notice shall be
8 given at least on an annual basis of the categories of information
9 that the school *district* plans to release and of the recipients.
10 Directory information shall not be released regarding a pupil if a
11 parent of that pupil has notified the school district that the
12 information shall not be released.

13 (c) Directory information shall not be released regarding a pupil
14 identified as a homeless child or youth, as defined in paragraph
15 (2) of Section 725 of the federal McKinney-Vento Homeless
16 Assistance Act (42 U.S.C. Sec. 11434a(2)), unless a parent, or
17 pupil accorded parental rights, as identified in the federal Family
18 Education ~~Education~~ Educational Rights and Privacy Act of 2001 (20 U.S.C.
19 Sec. 1232g), has provided written consent that directory
20 information may be released.

21 SEC. 2. Section 49076 of the Education Code is amended to
22 read:

23 49076. (a) A school district shall not permit access to pupil
24 records to a person without written parental consent or under
25 judicial order except as set forth in this section and as permitted
26 by Part 99 (commencing with Section 99.1) of Title 34 of the Code
27 of Federal Regulations.

28 (1) Access to those particular records relevant to the legitimate
29 educational interests of the requester shall be permitted to the
30 following:

31 (A) School officials and employees of the school district,
32 members of a school attendance review board appointed pursuant
33 to Section 48321 who are authorized representatives of the school
34 district, and any volunteer aide, 18 years of age or older, who has
35 been investigated, selected, and trained by a school attendance
36 review board for the purpose of providing followup services to
37 pupils referred to the school attendance review board, provided
38 that the person has a legitimate educational interest to inspect a
39 record.

1 (B) Officials and employees of other public schools or school
2 systems, including local, county, or state correctional facilities
3 where educational programs leading to high school graduation are
4 provided or where the pupil intends to or is directed to enroll,
5 subject to the rights of parents as provided in Section 49068.

6 (C) Authorized representatives of the Comptroller General of
7 the United States, the Secretary of Education, and state and local
8 educational authorities, or the United States Department of
9 Education's Office for Civil Rights, if the information is necessary
10 to audit or evaluate a state or federally supported ~~education~~
11 *educational* program, or in connection with the enforcement of,
12 or compliance with, the federal legal requirements that relate to
13 such a program. Records released pursuant to this subparagraph
14 shall comply with the requirements of Section 99.35 of Title 34
15 of the Code of Federal Regulations.

16 (D) Other state and local officials to the extent that information
17 is specifically required to be reported pursuant to state law adopted
18 before November 19, 1974.

19 (E) Parents of a pupil 18 years of age or older who is a
20 dependent as defined in Section 152 of Title 26 of the United States
21 Code.

22 (F) A pupil 16 years of age or older or having completed the
23 10th grade who requests access.

24 (G) A district attorney who is participating in or conducting a
25 truancy mediation program pursuant to Section 48263.5, or Section
26 601.3 of the Welfare and Institutions Code, or participating in the
27 presentation of evidence in a truancy petition pursuant to Section
28 681 of the Welfare and Institutions Code.

29 (H) A district attorney's office for consideration against a parent
30 or guardian for failure to comply with the Compulsory Education
31 Law (Chapter 2 (commencing with Section 48200)) or with
32 Compulsory Continuation Education (Chapter 3 (commencing
33 with Section 48400)).

34 (I) (i) A probation officer, district attorney, or counsel of record
35 for a minor for purposes of conducting a criminal investigation or
36 an investigation in regards to declaring a person a ward of the court
37 or involving a violation of a condition of probation.

38 (ii) For purposes of this subparagraph, a probation officer,
39 district attorney, and counsel of record for a minor shall be deemed

1 to be local officials for purposes of Section 99.31(a)(5)(i) of Title
2 34 of the Code of Federal Regulations.

3 (iii) Pupil records obtained pursuant to this subparagraph shall
4 be subject to the evidentiary rules described in Section 701 of the
5 Welfare and Institutions Code.

6 (J) A judge or probation officer for the purpose of conducting
7 a truancy mediation program for a pupil, or for purposes of
8 presenting evidence in a truancy petition pursuant to Section 681
9 of the Welfare and Institutions Code. The judge or probation officer
10 shall certify in writing to the school district that the information
11 will be used only for truancy purposes. A school district releasing
12 pupil information to a judge or probation officer pursuant to this
13 subparagraph shall inform, or provide written notification to, the
14 parent or guardian of the pupil within 24 hours of the release of
15 the information.

16 (K) A county placing agency when acting as an authorized
17 representative of a state or local educational agency pursuant to
18 subparagraph (C). School districts, county offices of education,
19 and county placing agencies may develop cooperative agreements
20 to facilitate confidential access to and exchange of the pupil
21 information by ~~email~~, *e-mail*, facsimile, electronic format, or other
22 secure means, provided the agreement complies with the
23 requirements set forth in Section 99.35 of Title 34 of the Code of
24 Federal Regulations.

25 (L) A pupil 14 years of age or older who meets both of the
26 following criteria:

27 (i) The pupil is a homeless child or youth, as defined in
28 paragraph (2) of Section 725 of the federal McKinney-Vento
29 Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

30 (ii) The pupil is an unaccompanied youth, as defined in
31 paragraph (6) of Section 725 of the federal McKinney-Vento
32 Homeless Assistance Act (42 U.S.C. Sec. 11434a(6)).

33 (M) An individual who completes items 1 to 4, inclusive, of the
34 Caregiver's Authorization Affidavit, as provided in Section 6552
35 of the Family Code, and signs the affidavit for the purpose of
36 enrolling a minor in school.

37 (2) School districts may release information from pupil records
38 to the following:

39 (A) Appropriate persons in connection with an emergency if
40 the knowledge of the information is necessary to protect the health

1 or safety of a pupil or other persons. Schools or school districts
2 releasing information pursuant to this subparagraph shall comply
3 with the requirements set forth in Section 99.32(a)(5) of Title 34
4 of the Code of Federal Regulations.

5 (B) Agencies or organizations in connection with the application
6 of a pupil for, or receipt of, financial aid. However, information
7 permitting the personal identification of a pupil or his or her parents
8 may be disclosed only as may be necessary for purposes as to
9 determine the eligibility of the pupil for financial aid, to determine
10 the amount of the financial aid, to determine the conditions ~~which~~
11 *that* will be imposed regarding the financial aid, or to enforce the
12 terms or conditions of the financial aid.

13 (C) Pursuant to Section 99.37 of Title 34 of the Code of Federal
14 Regulations, a county elections official, for the purpose of
15 identifying pupils eligible to register to vote, or for conducting
16 programs to offer pupils an opportunity to register to vote. The
17 information shall not be used for any other purpose or given or
18 transferred to any other person or agency.

19 (D) Accrediting associations in order to carry out their
20 accrediting functions.

21 (E) Organizations conducting studies for, or on behalf of,
22 educational agencies or institutions ~~for the purpose~~ *purposes* of
23 developing, validating, or administering predictive tests,
24 administering student aid programs, and improving instruction, if
25 the studies are conducted in a manner that will not permit the
26 personal identification of pupils or their parents by persons other
27 than representatives of the organizations, the information will be
28 destroyed when no longer needed for the purpose for which it is
29 obtained, and the organization enters into a written agreement with
30 the educational agency or institution that complies with Section
31 99.31(a)(6) of Title 34 of the Code of Federal Regulations.

32 (F) Officials and employees of private schools or school systems
33 where the pupil is enrolled or intends to enroll, subject to the rights
34 of parents as provided in Section 49068 and in compliance with
35 the requirements in Section 99.34 of Title 34 of the Code of Federal
36 Regulations. This information shall be in addition to the pupil's
37 permanent record transferred pursuant to Section 49068.

38 (G) (i) A contractor or consultant with a legitimate educational
39 interest who has a formal written agreement or contract with the

1 school district regarding the provision of outsourced institutional
2 services or functions by the contractor or consultant.

3 (ii) Notwithstanding the authorization in Section
4 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations,
5 a disclosure pursuant to this subparagraph shall not be permitted
6 to a volunteer or other party.

7 (3) A person, persons, agency, or organization permitted access
8 to pupil records pursuant to this section shall not permit access to
9 any information obtained from those records by another person,
10 persons, agency, or organization, except for allowable exceptions
11 contained within the federal Family Educational Rights and Privacy
12 Act of 2001 (20 U.S.C. Sec. 1232g) and state law, without the
13 written consent of the pupil's parent. This paragraph shall not
14 require prior parental consent when information obtained pursuant
15 to this section is shared with other persons within the educational
16 institution, agency, or organization obtaining access, so long as
17 those persons have a legitimate educational interest in the
18 information pursuant to Section 99.31(a)(1) of Title 34 of the Code
19 of Federal Regulations.

20 (4) Notwithstanding any other law, a school district, including
21 a county office of education or county superintendent of schools,
22 may participate in an interagency data information system that
23 permits access to a computerized database system within and
24 between governmental agencies or school districts as to information
25 or records that are nonprivileged, and where release is authorized
26 as to the requesting agency under state or federal law or regulation,
27 if each of the following requirements is met:

28 (A) Each agency and school district shall develop security
29 procedures or devices by which unauthorized personnel cannot
30 access data contained in the system.

31 (B) Each agency and school district shall develop procedures
32 or devices to secure privileged or confidential data from
33 unauthorized disclosure.

34 (C) Each school district shall comply with the access log
35 requirements of Section 49064.

36 (D) The right of access granted shall not include the right to
37 add, delete, or alter data without the written permission of the
38 agency holding the data.

39 (E) An agency or school district shall not make public or
40 otherwise release information on an individual contained in the

1 database if the information is protected from disclosure or release
2 as to the requesting agency by state or federal law or regulation.

3 (b) The officials and authorities to whom pupil records are
4 disclosed pursuant to subdivision (e) of Section 48902 and
5 subparagraph (I) of paragraph (1) of subdivision (a) shall certify
6 in writing to the disclosing school district that the information
7 shall not be disclosed to another party, except as provided under
8 the federal Family Educational Rights and Privacy Act of 2001
9 (20 U.S.C. Sec. 1232g) and state law, without the prior written
10 consent of the parent of the pupil or the person identified as the
11 holder of the pupil's educational rights.

12 (c) (1) A person or party who is not permitted access to pupil
13 records pursuant to subdivision (a) or (b) may request access to
14 pupil records as provided for in paragraph (2).

15 (2) A local educational agency or other person or party who has
16 received pupil records, or information from pupil records, may
17 release the records or information to a person or party identified
18 in paragraph (1) without the consent of the pupil's parent or
19 guardian pursuant to Section 99.31(b) of Title 34 of the Code of
20 Federal Regulations, if the records or information are deidentified,
21 which requires the removal of all personally identifiable
22 information, provided that the disclosing local educational agency
23 or other person or party has made a reasonable determination that
24 a pupil's identity is not personally identifiable, whether through
25 single or multiple releases, and has taken into account other
26 pertinent reasonably available information.

27 *SEC. 2.5. Section 49076 of the Education Code is amended to*
28 *read:*

29 49076. (a) A school district shall not permit access to pupil
30 records to a person without written parental consent or under
31 judicial order except as set forth in this section and as permitted
32 by Part 99 (commencing with Section 99.1) of Title 34 of the Code
33 of Federal Regulations.

34 (1) Access to those particular records relevant to the legitimate
35 educational interests of the requester shall be permitted to the
36 following:

37 (A) School officials and employees of the school district,
38 members of a school attendance review board appointed pursuant
39 to Section 48321 who are authorized representatives of the school
40 district, and any volunteer aide, 18 years of age or older, who has

1 been investigated, selected, and trained by a school attendance
2 review board for the purpose of providing followup services to
3 pupils referred to the school attendance review board, provided
4 that the person has a legitimate educational interest to inspect a
5 record.

6 (B) Officials and employees of other public schools or school
7 systems, including local, county, or state correctional facilities
8 where educational programs leading to high school graduation are
9 provided or where the pupil intends to or is directed to enroll,
10 subject to the rights of parents as provided in Section 49068.

11 (C) Authorized representatives of the Comptroller General of
12 the United States, the Secretary of Education, and state and local
13 educational authorities, or the United States Department of
14 Education's Office for Civil Rights, if the information is necessary
15 to audit or evaluate a state or federally supported ~~education~~
16 *educational* program, or in connection with the enforcement of,
17 or compliance with, the federal legal requirements that relate to
18 such a program. Records released pursuant to this ~~section~~
19 *subparagraph* shall comply with the requirements of Section 99.35
20 of Title 34 of the Code of Federal Regulations.

21 (D) Other state and local officials to the extent that information
22 is specifically required to be reported pursuant to state law adopted
23 before November 19, 1974.

24 (E) Parents of a pupil 18 years of age or older who is a
25 dependent as defined in Section 152 of Title 26 of the United States
26 Code.

27 (F) A pupil 16 years of age or older or having completed the
28 ~~10th-grade who requests access.~~ *grade.*

29 (G) A district attorney who is participating in or conducting a
30 truancy mediation program pursuant to Section 48263.5, or Section
31 601.3 of the Welfare and Institutions Code, or participating in the
32 presentation of evidence in a truancy petition pursuant to Section
33 681 of the Welfare and Institutions Code.

34 (H) A district attorney's office for consideration against a parent
35 or guardian for failure to comply with the Compulsory Education
36 Law (Chapter 2 (commencing with Section 48200)) or with
37 Compulsory Continuation Education (Chapter 3 (commencing
38 with Section 48400)).

39 (I) (i) A probation officer, district attorney, or counsel of record
40 for a minor for purposes of conducting a criminal investigation or

1 an investigation in regards to declaring a person a ward of the court
2 or involving a violation of a condition of probation.

3 (ii) For purposes of this subparagraph, a probation officer,
4 district attorney, and counsel of record for a minor shall be deemed
5 to be local officials for purposes of Section 99.31(a)(5)(i) of Title
6 34 of the Code of Federal Regulations.

7 (iii) Pupil records obtained pursuant to this subparagraph shall
8 be subject to the evidentiary rules described in Section 701 of the
9 Welfare and Institutions Code.

10 (J) A judge or probation officer for the purpose of conducting
11 a truancy mediation program for a pupil, or for purposes of
12 presenting evidence in a truancy petition pursuant to Section 681
13 of the Welfare and Institutions Code. The judge or probation officer
14 shall certify in writing to the school district that the information
15 will be used only for truancy purposes. A school district releasing
16 pupil information to a judge or probation officer pursuant to this
17 subparagraph shall inform, or provide written notification to, the
18 parent or guardian of the pupil within 24 hours of the release of
19 the information.

20 (K) A county placing agency when acting as an authorized
21 representative of a state or local educational agency pursuant to
22 subparagraph (C). School districts, county offices of education,
23 and county placing agencies may develop cooperative agreements
24 to facilitate confidential access to and exchange of the pupil
25 information by ~~email~~, *e-mail*, facsimile, electronic format, or other
26 secure means, ~~provided if~~ the agreement complies with the
27 requirements set forth in Section 99.35 of Title 34 of the Code of
28 Federal Regulations.

29 (L) *A pupil 14 years of age or older who meets both of the*
30 *following criteria:*

31 (i) *The pupil is a homeless child or youth, as defined in*
32 *paragraph (2) of Section 725 of the federal McKinney-Vento*
33 *Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).*

34 (ii) *The pupil is an unaccompanied youth, as defined in*
35 *paragraph (6) of Section 725 of the federal McKinney-Vento*
36 *Homeless Assistance Act (42 U.S.C. Sec. 11434a(6)).*

37 (M) *An individual who completes items 1 to 4, inclusive, of the*
38 *Caregiver's Authorization Affidavit, as provided in Section 6552*
39 *of the Family Code, and signs the affidavit for the purpose of*
40 *enrolling a minor in school.*

1 (N) (i) *An agency caseworker or other representative of a state*
2 *or local child welfare agency, or tribal organization, as defined*
3 *in Section 450b of Title 25 of the United States Code, that has*
4 *legal responsibility, in accordance with state or tribal law, for the*
5 *care and protection of the pupil.*

6 (ii) *The agency or organization specified in clause (i) may*
7 *disclose pupil records, or the personally identifiable information*
8 *contained in those records, to an individual or entity engaged in*
9 *addressing the pupil’s educational needs, if the individual or entity*
10 *is authorized by the agency or organization to receive the*
11 *disclosure and the information requested is directly related to the*
12 *assistance provided by that individual or entity. The records, or*
13 *the personally identifiable information contained in those records,*
14 *shall not otherwise be disclosed by that agency or organization,*
15 *except as provided under the federal Family Educational Rights*
16 *and Privacy Act (20 U.S.C. Sec. 1232g), state law, including*
17 *paragraph (3), and tribal law.*

18 (2) School districts may release information from pupil records
19 to the following:

20 (A) Appropriate persons in connection with an emergency if
21 the knowledge of the information is necessary to protect the health
22 or safety of a pupil or other persons. Schools or school districts
23 releasing information pursuant to this ~~section~~ *subparagraph* shall
24 comply with the requirements set forth in Section 99.32(a)(5) of
25 Title 34 of the Code of Federal Regulations.

26 (B) Agencies or organizations in connection with the application
27 of a pupil for, or receipt of, financial aid. However, information
28 permitting the personal identification of a pupil or his or her parents
29 may be disclosed only as may be necessary for purposes as to
30 determine the eligibility of the pupil for financial aid, to determine
31 the amount of the financial aid, to determine the conditions ~~which~~
32 *that* will be imposed regarding the financial aid, or to enforce the
33 terms or conditions of the financial aid.

34 (C) Pursuant to Section 99.37 of Title 34 of the Code of Federal
35 Regulations, a county elections official, for the purpose of
36 identifying pupils eligible to register to vote, or for conducting
37 programs to offer pupils an opportunity to register to vote. The
38 information shall not be used for any other purpose or given or
39 transferred to any other person or agency.

1 (D) Accrediting associations in order to carry out their
2 accrediting functions.

3 (E) Organizations conducting studies for, or on behalf of,
4 educational agencies or institutions for ~~the purpose~~ *purposes* of
5 developing, validating, or administering predictive tests,
6 administering student aid programs, and improving instruction, if
7 the studies are conducted in a manner that will not permit the
8 personal identification of pupils or their parents by persons other
9 than representatives of the organizations, the information will be
10 destroyed when no longer needed for the purpose for which it is
11 obtained, and the organization enters into a written agreement with
12 the educational agency or institution that complies with Section
13 99.31(a)(6) of Title 34 of the Code of Federal Regulations.

14 (F) Officials and employees of private schools or school systems
15 where the pupil is enrolled or intends to enroll, subject to the rights
16 of parents as provided in Section 49068 and in compliance with
17 the requirements in Section 99.34 of Title 34 of the Code of Federal
18 Regulations. This information shall be in addition to the pupil's
19 permanent record transferred pursuant to Section 49068.

20 (G) (i) A contractor or consultant with a legitimate educational
21 interest who has a formal written agreement or contract with the
22 school district regarding the provision of outsourced institutional
23 services or functions by the contractor or consultant.

24 (ii) Notwithstanding *the authorization in* Section
25 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations,
26 a disclosure pursuant to this ~~paragraph~~ *subparagraph* shall not be
27 permitted to a volunteer or other party.

28 (3) A person, persons, agency, or organization permitted access
29 to pupil records pursuant to this section shall not permit access to
30 any information obtained from those records by another person,
31 persons, agency, or organization, except for allowable exceptions
32 contained within the federal Family Educational Rights and Privacy
33 Act of 2001 (20 U.S.C. Sec. 1232g) and state law, *including this*
34 *section, and implementing regulations*, without the written consent
35 of the pupil's parent. This paragraph ~~does~~ *shall* not require prior
36 parental consent when information obtained pursuant to this section
37 is shared with other persons within the educational institution,
38 agency, or organization obtaining access, so long as those persons
39 have a legitimate educational interest in the information pursuant

1 to Section ~~99.31(a)(1)(i)(A)~~ 99.31(a)(1) of Title 34 of the Code
2 of Federal Regulations.

3 (4) Notwithstanding any other ~~provision of law~~, a school district,
4 including a county office of education or county superintendent
5 of schools, may participate in an interagency data information
6 system that permits access to a computerized database system
7 within and between governmental agencies or school districts as
8 to information or records that are nonprivileged, and where release
9 is authorized as to the requesting agency under state or federal law
10 or regulation, if each of the following requirements ~~are~~ *is* met:

11 (A) Each agency and school district shall develop security
12 procedures or devices by which unauthorized personnel cannot
13 access data contained in the system.

14 (B) Each agency and school district shall develop procedures
15 or devices to secure privileged or confidential data from
16 unauthorized disclosure.

17 (C) Each school district shall comply with the access log
18 requirements of Section 49064.

19 (D) The right of access granted shall not include the right to
20 add, delete, or alter data without the written permission of the
21 agency holding the data.

22 (E) An agency or school district shall not make public or
23 otherwise release information on an individual contained in the
24 database if the information is protected from disclosure or release
25 as to the requesting agency by state or federal law or regulation.

26 (b) The officials and authorities to whom pupil records are
27 disclosed pursuant to subdivision ~~(f)~~ (e) of Section 48902 and
28 subparagraph (I) of paragraph (1) of subdivision (a) shall certify
29 in writing to the disclosing school district that the information
30 shall not be disclosed to another party, except as provided under
31 the federal Family Educational Rights and Privacy Act ~~of 2001~~
32 (20 U.S.C. Sec. 1232g) and state law, without the prior written
33 consent of the parent of the pupil or the person identified as the
34 holder of the pupil's educational rights.

35 (c) (1) ~~Any~~ A person or party who is not permitted access to
36 pupil records pursuant to subdivision (a) or (b) may request access
37 to pupil records as provided for in paragraph (2).

38 (2) A local educational agency or other person or party who has
39 received pupil records, or information from pupil records, may
40 release the records or information to a person or party identified

1 in paragraph (1) without the consent of the pupil's parent or
2 guardian pursuant to Section 99.31(b) of Title 34 of the Code of
3 Federal Regulations, if the records or information are deidentified,
4 which requires the removal of all personally identifiable
5 information, ~~provided that~~ if the disclosing local educational agency
6 or other person or party has made a reasonable determination that
7 a pupil's identity is not personally identifiable, whether through
8 single or multiple releases, and has taken into account other
9 pertinent reasonably available information.

10 *SEC. 3. Section 2.5 of this bill incorporates amendments to*
11 *Section 49076 of the Education Code proposed by both this bill*
12 *and Assembly Bill 643. It shall only become operative if (1) both*
13 *bills are enacted and become effective on or before January 1,*
14 *2014, (2) each bill amends Section 49076 of the Education Code,*
15 *and (3) this bill is enacted after Assembly Bill 643, in which case*
16 *Section 2 of this bill shall not become operative.*

17 ~~SEC. 3.~~

18 *SEC. 4. If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*