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SB-1036 Local educational agencies: minutes of meetings of governing bodies: inclusion of directory information and personal information of pupils and parents or guardians of pupils. (2017-2018)

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Senate Bill No. 1036

CHAPTER 788

An act to add Section 49073.2 to the Education Code, relating to local educational agencies.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1036, Wilk. Local educational agencies: minutes of meetings of governing bodies: inclusion of directory information and personal information of pupils and parents or guardians of pupils.

(1) 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 inclusion of directory information, as defined, and personal information, as defined, of a pupil or of the parent or guardian of a pupil in the minutes of a meeting of the governing body, as defined, of a local educational agency, as defined, if a pupil who is 18 years of age or older or a parent or guardian of a pupil has provided a written request to the secretary or clerk of the governing body to exclude his or her personal information or the name of his or her minor child, as specified. To the extent the bill would add to the duties of local educational agencies, it would impose a state-mandated local program.

(2) 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49073.2 is added to the Education Code, to read:

49073.2. (a) Notwithstanding Section 49073, a local educational agency shall not include the directory information or the personal information of a pupil or of a parent or guardian of a pupil in the minutes of a meeting of its governing body, except as required by judicial order or federal law, if a pupil who is 18 years of age or older or a parent or guardian of a pupil has provided a written request to the secretary or clerk of the governing body to exclude his or her personal information or the name of his or her minor child from the minutes of a meeting of the governing body.

(b) As used in this section:

(1) "Directory information" has the same meaning as defined in subdivision (c) of Section 49061.

(2) "Governing body" includes charter school governing bodies, county boards of education, and school district governing boards.

(3) "Local educational agency" includes charter schools, county offices of education, and school districts.

(4) "Personal information" includes a person's address, telephone number, date of birth, and email address.

(c) This section is not intended to affect the public's right of access to information pursuant to any other law.

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