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BILL ANALYSIS

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House Bill 5198 (Substitute H-3 as passed by the House)

Sponsor: Representative Mike Nofs

House Committee: Government Operations

Senate Committee: Education

Date Completed: 7-2-04

### **CONTENT**

The bill would amend the Open Meetings Act to prohibit a public body from including in the minutes of its meetings any personally identifiable information that, if released, would be in violation of the Federal Family Educational Rights and Privacy Act (FERPA).

The bill also would require a public body to make any corrections of its minutes at the next meeting after the meeting to which the minutes refer. Currently, corrections must be made no later than the next meeting.

MCL 15.269

### **BACKGROUND**

According to the U.S. Department of Education, FERPA (20 USC 1232g) protects the privacy of student education records and applies to all schools that receive funds under an applicable program of that Department. The Act gives parents certain rights with respect to their children's education records. The rights are transferred to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

The rights under FERPA include the right to request a school to correct a record that a parent or eligible student believes is inaccurate or misleading, and the right to place a statement in the record if the school decides not to amend the record after a hearing. In addition, schools generally must have written permission from a parent or eligible student in order to release any information from a student's record, although schools may disclose records to specified parties without consent. Schools also may disclose, without consent, "directory" information, such as a student's name, date and place of birth, and dates of attendance, but first must inform parents and eligible students and give them a reasonable amount of time to request that directory information not be released.

Schools are required to give parents and eligible students annual notice of their rights under FERPA.

Legislative Analyst: J.P. Finet

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Kathryn Summers-Coty

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