

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2505 Session of
2008

INTRODUCED BY CIVERA, VULAKOVICH, BARRAR, BELFANTI, CALTAGIRONE,
CREIGHTON, FRANKEL, FREEMAN, GINGRICH, GOODMAN, HARRIS,
HORNAMAN, KILLION, KOTIK, LEVDANSKY, MCGEEHAN, MELIO,
MICOZZIE, MUSTIO, PHILLIPS, READSHAW, SAYLOR, SWANGER AND
J. WHITE, MAY 7, 2008

REFERRED TO COMMITTEE ON EDUCATION, MAY 7, 2008

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, requiring that institutions of higher education
3 located in this Commonwealth provide processes and mechanisms
4 for parents and others to be authorized to receive
5 information about students attending the institutions; and
6 directing the Department of Education to develop a form of
7 power of attorney to be accepted by institutions of higher
8 education to allow students to authorize others to act on
9 their behalf.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 24 of the Pennsylvania Consolidated
13 Statutes is amended by adding a chapter to read:

14 CHAPTER 66

15 COLLEGE STUDENT INFORMATION MANAGEMENT

16 Sec.

17 6601. Scope of chapter.

18 6602. Statement of purpose.

19 6603. Definitions.

20 6604. Duties of department.

1 6605. Institutions of higher education.

2 6606. Execution and validity.

3 6607. Compliance with other laws.

4 6608. Effect on other powers of attorney.

5 § 6601. Scope of chapter.

6 This chapter relates to college student information
7 management.

8 § 6602. Statement of purpose.

9 The General Assembly recognizes that while students attending
10 institutions of higher education are entitled to an expectation
11 of privacy, both as anticipated by Federal law and otherwise,
12 parents and others have a legitimate interest in being informed
13 about certain matters relating to a student's status and
14 conduct, and that recent events have shown the value of the
15 information being made available under appropriate
16 circumstances. Therefore, the General Assembly seeks to
17 establish a uniform process whereby students are given an
18 opportunity to direct institutions of higher education as to how
19 the institutions should deal with their personal information and
20 to ensure that institutions of higher education may rely upon
21 the direction of persons acting on behalf of a student under a
22 power of attorney.

23 § 6603. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Institution of higher education." A public or private two-
28 year or four-year college, university or other postbaccalaureate
29 program located in this Commonwealth.

30 "Student." A person who is enrolled in an institution of

1 higher education on either a full-time or part-time basis.

2 "Student information authorization form." One or more of the
3 forms described under section 6604(1) (relating to duties of
4 department).

5 "Student power of attorney form." One or more of the forms
6 described under section 6604(2) (relating to duties of
7 department).

8 § 6604. Duties of department.

9 The department is authorized and directed to:

10 (1) Within 90 days of the effective date of this
11 section, develop one or more student information
12 authorization forms for use by institutions of higher
13 education which, upon execution by a student and delivery to
14 the institution, shall authorize one or more persons to
15 receive information about the student's status at the
16 institution to the extent the information would be available
17 to the student. The student information authorization forms
18 shall relate to all of the following matters of the student:

19 (i) Academic standing.

20 (ii) Grades and other academic assessments and
21 reports.

22 (iii) Discipline and conduct.

23 (iv) Physical and behavioral health.

24 (v) Financial balances and liabilities, including
25 balances or deficits in any account maintained by or
26 under the control of the institution of higher education.

27 (2) Within 90 days of the effective date of this
28 section, develop one or more forms of power of attorney for
29 use by a student which, upon execution by a student and
30 delivery to the institution, shall authorize one or more

1 persons to act on behalf of the student with respect to
2 matters relating to the student's tenure and residency at the
3 institution or the student's health. The powers granted under
4 the student power of attorney may not be inconsistent with
5 the provisions of 20 Pa.C.S. Ch. 56 (relating to powers of
6 attorney).

7 (3) Within 90 days of the effective date of this
8 section, develop forms which, upon execution by a student and
9 delivery to the institution, shall revoke all or a portion of
10 an authorization granted in a student information
11 authorization form or revoke in whole or in part a student
12 power of attorney.

13 (4) Make any changes in the student information
14 authorization form and student power of attorney form as may
15 be necessary from time to time.

16 (5) Include spaces in the student information
17 authorization form and student power of attorney form for the
18 inclusion of addresses, telephone numbers and other contact
19 information for all persons named in the forms.

20 (6) Promptly notify all institutions of higher education
21 of the availability of the student information authorization
22 form and student power of attorney form.

23 § 6605. Institutions of higher education.

24 (a) Duties.--Each institution of higher education shall do
25 all of the following:

26 (1) Include the student information authorization form
27 and student power of attorney form in information it sends to
28 students in anticipation of enrollment for each academic
29 period.

30 (2) Make the student information authorization form and

1 student power of attorney form available for downloading and
2 printing electronically and post the forms on the
3 institution's Internet website.

4 (3) Promptly update the information described under
5 section 6604 (relating to duties of department) in the event
6 the department makes any changes to the student information
7 authorization form or student power of attorney form.

8 (4) Provide students with a reasonable opportunity to
9 revoke or make changes to their outstanding student
10 information authorization forms and student power of attorney
11 forms, including the provision of notary public services at
12 no charge to the student.

13 (5) Respond in a timely and complete manner to requests
14 for information submitted by persons named as being
15 authorized to receive information under executed student
16 information authorization forms or by virtue of powers
17 granted under student power of attorney forms.

18 (6) Notify persons who are noted as being authorized to
19 receive information pursuant to executed student information
20 authorization forms of any revocation or changes made by the
21 student to the forms, as well as the effective date of the
22 revocation or changes.

23 (7) Notify persons who are named in student powers of
24 attorney of any revocation or changes made by the student to
25 the instruments, as well as the effective date of the
26 revocation or changes.

27 (8) Notify appropriate legal authorities if the
28 institution of higher education has reason to believe that
29 any student information authorization forms or student powers
30 of attorney have been executed, changed or revoked by a

1 student who was under duress or during a period of
2 incapacity.

3 (b) Liability.--Institutions of higher education shall act
4 under the terms of student information authorization forms or
5 student power of attorney forms and shall be held harmless from
6 any liability for having acted in good faith under the terms of
7 the forms.

8 (c) Restriction of rights.--Institutions of higher education
9 may not, whether as a condition of enrollment or otherwise, in
10 any way restrict the right of students to execute, deliver,
11 change or revoke any of the following:

12 (1) A student information authorization form.

13 (2) A student power of attorney form.

14 (3) The term of a student information authorization form
15 or student power of attorney form.

16 § 6606. Execution and validity.

17 (a) Voluntary nature.--The execution and delivery by a
18 student of a student information authorization form or student
19 power of attorney form, or the revocation or alteration thereof,
20 shall be voluntary.

21 (b) Validity of student information authorization form.--A
22 student information authorization form executed by a student,
23 unless revoked or otherwise changed by the student to provide
24 for a different termination date, shall be valid for the
25 student's entire period of enrollment at the institution of
26 higher education to which it has been delivered.

27 (c) Validity of student power of attorney.--The validity of
28 a student power of attorney shall not be limited by the student
29 no longer being enrolled in an institution of higher education,
30 unless the student power of attorney form provides differently

1 by its terms.

2 § 6607. Compliance with other laws.

3 The provisions of any student information authorization form
4 and student power of attorney form shall not violate any
5 provision of federal law or regulation, including the provisions
6 of any of the following:

7 (1) The Health Insurance Portability and Accountability
8 Act of 1996 (Public Law 104-191, 110 Stat. 1936).

9 (2) The Family Educational Rights and Privacy Act of
10 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

11 § 6608. Effect on other powers of attorney.

12 It is the intention of the General Assembly that,
13 notwithstanding any other provision of this chapter, the student
14 power of attorney form shall not be deemed to be the exclusive
15 form of power of attorney which may be accepted by institutions
16 of higher education, and institutions of higher education are
17 expressly authorized to accept powers of attorney from students
18 which are otherwise legally sufficient. The provisions of this
19 chapter are not intended to diminish, restrict or otherwise
20 alter the effect of any power of attorney in effect on or after
21 the effective date of this section. Institutions of higher
22 education which receive powers of attorney other than in the
23 format of the student power of attorney form shall be required
24 to provide the notifications described under section 6605(a)(7)
25 (relating to institutions of higher education).

26 Section 2. This act shall take effect July 1, 2008, or
27 immediately, whichever is later.