

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# SENATE BILL 1450

AN ACT

AMENDING SECTION 15-142, ARIZONA REVISED STATUTES; RELATING TO EDUCATIONAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-142, Arizona Revised Statutes, is amended to  
3 read:

4 15-142. Access to directory information relating to pupils and  
5 to school property; violation; withholding of state  
6 aid

7 A. If the governing board of a school district or the governing body  
8 of a charter school permits the release of directory information relating to  
9 pupils or permits access to school buildings, school grounds or other school  
10 property to persons who inform pupils of educational or occupational  
11 opportunities, the governing board or governing body shall provide access to  
12 directory information relating to pupils and to school property on the same  
13 basis for official recruiting representatives of the militia of this state  
14 and the armed services of the United States for the purpose of informing  
15 pupils of educational and occupational opportunities available in the militia  
16 and the armed services. If the school district or charter school permits the  
17 release of directory information relating to pupils, the information shall be  
18 released on or before October 31 of each year. The department of education  
19 shall design and provide to school districts and charter schools a form to  
20 allow pupils to request that directory information not be released pursuant  
21 to the elementary and secondary education act as reauthorized by the no child  
22 left behind act of 2001. School districts and charter schools shall  
23 distribute the form to pupils each year separate from any other form. If a  
24 school district or charter school distributes materials to pupils through  
25 electronic communication or on an internet website, the form may be  
26 distributed in the same manner. A person who is wrongfully denied access to  
27 directory information or access to school buildings, school grounds or other  
28 school property may notify the department of education, which shall report  
29 the alleged violation to the United States department of education.

30 B. Notwithstanding subsection A **OF THIS SECTION**, pupil transcripts  
31 shall not be released to representatives of postsecondary institutions, the  
32 militia of this state or the armed services of the United States unless the  
33 pupil consents in writing to the release of the pupil's transcript. The  
34 governing board of the school district or the governing body of the charter  
35 school shall provide the pupil with a transcript release form that allows the  
36 pupil to designate in separate check boxes whether the transcript is to be  
37 released to postsecondary institutions, the militia of this state or the  
38 armed services of the United States, or to any combination of these entities.

39 C. This section shall not be construed to authorize school districts  
40 or charter schools to release information that would violate the family  
41 educational rights and privacy act of 1974 (20 United States Code section  
42 1232g). **ANY PERSON WHO SUSPECTS THAT A SCHOOL DISTRICT OR CHARTER SCHOOL HAS**  
43 **VIOLATED THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT MAY NOTIFY THE**  
44 **PRINCIPAL OF THE CHARTER SCHOOL OR THE SUPERINTENDENT OF THE SCHOOL DISTRICT.**  
45 **IF THE MATTER IS NOT SATISFACTORILY RESOLVED WITHIN SIXTY DAYS AFTER THE**

1 NOTICE, THE PERSON MAY FILE A COMPLAINT WITH THE STATE BOARD OF EDUCATION OR  
2 THE SUPERINTENDENT OF PUBLIC INSTRUCTION. IF THE STATE BOARD OF EDUCATION OR  
3 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A SCHOOL DISTRICT OR  
4 CHARTER SCHOOL IS IN VIOLATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
5 ACT, THE STATE BOARD OR SUPERINTENDENT SHALL NOTIFY THE SCHOOL DISTRICT OR  
6 CHARTER SCHOOL THAT IT IS IN VIOLATION OF THE FAMILY EDUCATIONAL RIGHTS AND  
7 PRIVACY ACT. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS FAILED  
9 TO CORRECT THE VIOLATION WITHIN SIXTY DAYS AFTER A NOTICE HAS BEEN ISSUED  
10 PURSUANT TO THIS SUBSECTION, THE STATE BOARD OR SUPERINTENDENT MAY DIRECT THE  
11 DEPARTMENT OF EDUCATION TO WITHHOLD UP TO TEN PER CENT OF THE MONTHLY  
12 APPORTIONMENT OF STATE AID THAT WOULD OTHERWISE BE DUE THE SCHOOL DISTRICT OR  
13 CHARTER SCHOOL. THE DEPARTMENT OF EDUCATION SHALL ADJUST THE SCHOOL  
14 DISTRICT'S OR CHARTER SCHOOL'S APPORTIONMENT ACCORDINGLY. WHEN THE STATE  
15 BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES  
16 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS CORRECTED THE VIOLATION AND IS  
17 IN COMPLIANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, THE  
18 DEPARTMENT OF EDUCATION SHALL RESTORE THE FULL AMOUNT OF STATE AID PAYMENTS  
19 TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.