

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 964

Short Title: No Liability for Private Schools. (Public)

Sponsors: Representatives Blackwell, Holloway, Johnson, and Jordan (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education.

May 17, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES,
3 NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT
4 COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF
5 CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY,
6 LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR
7 CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, AS
8 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION
9 REFORM.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Article 39 of Chapter 115C of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 115C-566.1. Disclosure of student data and records by nonpublic schools.**

14 A nonpublic school that discloses personally identifiable information in student data or
15 records according to the terms of a written agreement with a State agency, local school
16 administrative unit, community college, or constituent institution of The University of North
17 Carolina, in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. §
18 1232g, shall not be liable for a breach of confidentiality, disclosure, use, retention, or
19 destruction of the student data or records if the breach, disclosure, use, retention, or destruction
20 results from actions or omissions of either (i) the State agency, local school administrative unit,
21 community college, or constituent institution of The University of North Carolina to which the
22 data was provided or (ii) persons provided access to the data or records by those entities."

23 **SECTION 2.** Chapter 116 of the General Statutes is amended by adding a new
24 article to read:

25 "Article 27A.

26 "Disclosure of Student Data and Records by Private Institutions.

27 **"§ 116-229.1. Disclosure of student data and records by private colleges and universities.**

28 (a) A private college or university that discloses personally identifiable information in
29 student data or records according to the terms of a written agreement with a State agency, local
30 school administrative unit, community college, constituent institution of The University of
31 North Carolina, or the North Carolina Independent Colleges and Universities, in compliance
32 with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, shall not be liable for
33 a breach of confidentiality, disclosure, use, retention, or destruction of the student data or
34 records if the breach, disclosure, use, retention, or destruction results from actions or omissions
35 of either (i) the State agency, local school administrative unit, community college, or



1 constituent institution of The University of North Carolina to which the data was provided or
2 (ii) persons provided access to the data or records by those entities.
3 (b) The North Carolina Independent Colleges and Universities shall not be liable for a
4 breach of confidentiality, disclosure, use, retention, or destruction of student data or records
5 transferred on behalf of a private college or university to a State agency, local school
6 administrative unit, community college, or constituent institution of The University of North
7 Carolina if the breach, disclosure, use, retention, or destruction results from actions or
8 omissions of either (i) the State agency, local school administrative unit, community college, or
9 constituent institution of The University of North Carolina to which the data was provided or
10 (ii) persons provided access to the data or records by those entities."

11 **SECTION 3.** This act is effective when it becomes law.