

FINANCIAL IMPACT OF THE PUPIL INFORMATION PRIVACY PROTECTION INITIATIVE

The Pupil Information Privacy Protection Initiative (Initiative) proposes to amend Article 11 of the *Nevada Constitution* by adding a new section, designated Section 11, to specify that any data facts, statistics, scores, observations, or other information, including personally identifiable information that is created, collected, managed, stored, or otherwise recorded by a publicly funded educational system on any pupil may not exceed in extent the minimum moral or academic purpose to facilitate the function of that educational system. The Initiative also specifies that this information is considered to be the property of the pupil, if the pupil is 18 years of age or older or is legally emancipated from his or her parents, or the property of the parents or guardians of the pupil, if the pupil is under the age of 18 and is not legally emancipated.

The Initiative prohibits the release of any personally identifiable information contained within the education records of a pupil, including, without limitation, directory records, without written consent from the parents or guardians of the pupil, if the pupil is under the age of 18, or the pupil, if he or she is 18 years of age or older, unless the information is released for the purpose of ensuring the academic progress of the pupil or under other circumstances specified within the Initiative.

The Fiscal Analysis Division is working with potentially affected agencies to obtain information that will allow for the completion of the statement of the financial impact of the Initiative and is unable to complete the financial impact statement within the ten business days prescribed pursuant to NRS 295.015. A fiscal note that includes an explanation of any financial impact will be provided to the Secretary of State when completed for posting on their Internet website, pursuant to NRS 295.015.

Prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau – September 15, 2015