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HOUSE JOINT RESOLUTION NO. 733

House Amendments in [] - January 31, 2011

Memorializing the Congress of the United States to amend the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191) to restore in loco parentis at institutions of higher education and to require parental notification of destructive and illegal student behaviors.

Patron Prior to Engrossment—Delegate Howell, W.J.

Referred to Committee on Rules

WHEREAS, recent tragic events involving students on college campuses have generated grave concern among the public regarding the health and safety of students, faculty, staff, and others who frequent institutions of higher education; and

WHEREAS, there is growing concern that parents of troubled students are not notified concerning the addictive and destructive behaviors of their sons and daughters so that they may employ appropriate interventions and health care; and

WHEREAS, educational researchers and college student affairs and counseling officials report that a growing number of students struggle with depression, anxiety, suicidal thoughts, substance abuse, attention disorders, self-injury, eating disorders, and other mental health issues; and

WHEREAS, parents should be promptly notified by colleges and universities of [dependent] students' destructive or illegal behavior, unexcused absences from class, and any disciplinary action imposed by the institution; and

WHEREAS, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), designed to protect the privacy of student education records also prohibits the disclosure of this information to parents of students age 18 and over, and these records often include information pertaining to sanctions and disciplinary action taken due to violations of college policies, reckless behaviors, and illegal activities; and

WHEREAS, the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191) seeks to protect the confidentiality of personal health information which may not be disclosed without the individual's permission; however, health records detail encounters with college counseling personnel and treatment recommended by or received from health care professionals for substance abuse, depression, anxiety, suicidal thoughts, chronic and life-threatening illnesses, and other health problems which may indicate the need for more intensive interventions; and

WHEREAS, the parents of these students are thwarted in their efforts to perform their parental duties and responsibilities due to the [unreasonable] disclosure limitations imposed by FERPA and HIPAA, and untreated mental health and other health problems may result in tragic and fatal consequences; and

WHEREAS, institutions of higher education should be required to resume their *in loco parentis* role in the absence of parents of college age dependent students, and to proactively involve and notify parents concerning aberrations in student conduct and behavior; and

WHEREAS, Congress has the authority to restore *in loco parentis* and promote respect for the integrity of the family by allowing institutions of higher education to provide parents an opportunity to intervene to ensure the welfare of their dependent sons and daughters; and

WHEREAS, amending FERPA and HIPAA to [allow require] full disclosure and timely notification to parents concerning documented academic, behavioral, and health problems of dependent students would [reestablish the moral authority of the family and remove unwarranted federal intrusion into the lives and homes of citizens afford parents who are most likely to invest the time to reverse or deflect such behaviors; and

WHEREAS, certain provisions of FERPA and HIPAA have denied parents the right to know when their dependent students are in trouble, and the abolition of *in loco parentis* has restricted college officials from informing parents of their dependent students' destructive and reckless behavior; and

WHEREAS, parents of dependent students must be promptly informed of destructive and reckless behavior, and college officials bear a duty *in loco parentis* to inform parents] ; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L. 104-191) to restore *in loco parentis* at institutions of higher education and to require parental notification of destructive and illegal student behaviors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution

ENGROSSED

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59 to the Speaker of the United States House of Representatives, the President of the United States Senate,
60 and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of
61 the General Assembly of Virginia in this matter.