

108TH CONGRESS  
1ST SESSION

# H. R. 1848

To afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2003

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Privacy Pro-  
5 tection Act of 2003”.

1 **SEC. 2. REMEDY ESTABLISHED.**

2 (a) AMENDMENT.—Section 444 of the General Edu-  
3 cation Provisions Act (20 U.S.C. 1232g) is amended by  
4 adding at the end the following new subsection:

5 “(k) PRIVATE REMEDIES.—

6 “(1) ACTIONS AUTHORIZED.—No educational  
7 agency or institution subject to the requirements of  
8 this section shall deprive any parent or student (or  
9 person applying for admission as a student) of any  
10 of the rights of privacy of and access to educational  
11 records established by this section. Any such parent,  
12 student, or person aggrieved by an action or inaction  
13 in violation of this section or the regulations there-  
14 under by such an educational agency or institution  
15 may bring, in an appropriate United States district  
16 court—

17 “(A) an action based on a violation of this  
18 section or the regulation prescribed thereunder  
19 to enjoin such violation;

20 “(B) an action to recover damages from  
21 such a violation, as determined by the court; or

22 “(C) both such actions.

23 “(2) TREBLE DAMAGES.—If the court finds  
24 that the defendant willfully or knowingly violated  
25 this section or the regulations thereunder, the court  
26 may, in its discretion, increase the amount of the

1       award under paragraph (1) to not more than 3  
2       times the amount available under subparagraph (B)  
3       of such paragraph .”.

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