16

AMENDMENT TO H.R. 4137, AS REPORTED

OFFERED BY MR. GINGREY OF GEORGIA

Page 764, after line 10, insert the following:

1 **PART F—FAMILY EDUCATIONAL RIGHTS AND**
2 **PRIVACY ACT OF 1974**

3 **SECTION 971. RIGHT TO RECORDS.**

4 (a) CONCURRENT RIGHTS.—Section 438(d) of the
5 General Education Provisions Act (20 U.S.C. 1232g(d)),
6 also known as the Family Educational Rights and Privacy
7 Act of 1974, is amended by inserting before the period
8 the following: ", except that parents of such a student who
9 is a dependent of such parents, as defined in section 152
10 of the Internal Revenue Code of 1986, shall continue to
11 be accorded the right to inspect and review educational
12 records of such student, concurrently with the rights ac-
13 corded to the student, for any year in which the student
14 is a dependent of such parents, as so defined.".

15 (b) ACCESS TO MENTAL HEALTH RECORDS.—Sec-
16 tion 438 of such Act is further amended by adding at the
17 end the following new subsection:

18 "(k) ACCESS BY PARENT OF DEPENDENT STUDENT
19 TO MENTAL HEALTH RECORDS.—

1 "(1) IN GENERAL.—Notwithstanding any other
2 provision of this section or the Higher Education
3 Act of 1965, an individual who is a parent of a stu-
4 dent who is a dependent of such parent, as defined
5 in section 152 of the Internal Revenue Code of
6 1986, has the right to inspect and review any
7 records on that student that are described in sub-
8 section (a)(4)(B)(iv) for any year in which the stu-
9 dent is a dependent of such parent, as so defined.
10 "(2) STATE LAW REGARDING DISCLOSURE.—
11 Nothing in this subsection shall be construed to su-
12 persede any provision of State law that prohibits an
13 institution of higher education from making the dis-
14 closure described in subsection (a) of this section.".
15 (c) CONFORMING AMENDMENTS.—Section 438 of
16 such Act is further amended—
17 (1) in subsection (a)(4)(B)(iv)—
18 (A) by inserting "(and the student's par-
19 ents under subsection (k) if applicable)" after
20 "persons providing such treatment"; and
21 (B) by inserting "(and such parents)"
22 after "student's choice"; and
23 (2) in subsection (e), by striking "parents of
24 students, or the students" and inserting "parents of
25 students, and the students".