

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 262
Final Reading

Introduced by Cook, 13.

Read first time January 16, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend section 79-2,104, Revised
2 Statutes Cumulative Supplement, 2012; to provide duties
3 relating to sharing of student data, records, and
4 information; to provide for rules and regulations; and to
5 repeal the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-2,104, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 79-2,104 (1) Any student in any public school or his or
4 her parents, guardians, teachers, counselors, or school
5 administrators shall have access to the school's files or records
6 maintained concerning such student, including the right to inspect,
7 review, and obtain copies of such files or records. No other person
8 shall have access to such files or records except (a) when a parent,
9 guardian, or student of majority age provides written consent or (b)
10 as provided in subsection (3) of this section. The contents of such
11 files or records shall not be divulged in any manner to any
12 unauthorized person. All such files or records shall be maintained so
13 as to separate academic and disciplinary matters, and all
14 disciplinary material shall be removed and destroyed after a
15 student's continuous absence from the school for a period of three
16 years.

17 (2) Each public school may establish a schedule of fees
18 representing a reasonable cost of reproduction for copies of a
19 student's files or records for the parents or guardians of such
20 student, except that the imposition of a fee shall not prevent
21 parents of students from exercising their right to inspect and review
22 the students' files or records and no fee shall be charged to search
23 for or retrieve any student's files or records.

24 (3)(a) This section does not preclude authorized
25 representatives of (i) auditing officials of the United States, (ii)

1 auditing officials of this state, or (iii) state educational
2 authorities from having access to student or other records which are
3 necessary in connection with the audit and evaluation of federally
4 supported or state-supported education programs or in connection with
5 the enforcement of legal requirements which relate to such programs,
6 except that, when collection of personally identifiable data is
7 specifically authorized by law, any data collected by such officials
8 with respect to individual students shall be protected in a manner
9 which shall not permit the personal identification of students and
10 their parents by other than the officials listed in this subsection.
11 Personally identifiable data shall be destroyed when no longer needed
12 for such audit, evaluation, or enforcement of legal requirements.

13 (b) This section does not preclude or prohibit the
14 disclosure of student records to any other person or entity which may
15 be allowed to have access pursuant to the federal Family Educational
16 Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as such act existed
17 on ~~January 1, 2009,~~ February 1, 2013, and regulations adopted
18 thereunder.

19 (4) The Legislature finds and declares that the sharing
20 of student data, records, and information among school districts,
21 educational service units, learning communities, and the State
22 Department of Education, to the fullest extent practicable and
23 permitted by law, is vital to advancing education in this state.
24 Whenever applicable law permits the sharing of such student data,
25 records, and information, each school district, educational service

1 unit, and learning community shall comply unless otherwise prohibited
2 by law. The State Board of Education shall adopt and promulgate rules
3 and regulations providing for and requiring the uniform sharing of
4 student data, records, and information among school districts,
5 educational service units, learning communities, and the department.

6 Sec. 2. Original section 79-2,104, Revised Statutes
7 Cumulative Supplement, 2012, is repealed.