

AMENDMENTS TO LB 1105

Introduced by Education

1           1. Insert the following new section:

2           Sec. 4. Section 79-2,104, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:

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

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

1 to search for or retrieve any student's files or records.

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

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

23 (4) The Legislature finds and declares that the sharing  
24 of student data, records, and information among school districts,  
25 educational service units, learning communities, and the State  
26 Department of Education, to the fullest extent practicable and  
27 permitted by law, is vital to advancing education in this state.

1 Whenever applicable law permits the sharing of such student  
2 data, records, and information, each school district, educational  
3 service unit, and learning community shall share such student  
4 data, records, and information unless otherwise prohibited by  
5 law. The State Board of Education shall adopt and promulgate  
6 rules and regulations providing for and requiring the uniform  
7 sharing of student data, records, and information among school  
8 districts, educational service units, learning communities, and the  
9 department.

10           2. On page 3, line 25; and page 4, line 1, strike "March"  
11 and insert "February".

12           3. On page 4, line 2, after "district" insert "on or  
13 before August 1 immediately following the change in residence  
14 or the effective date of the merger"; in line 4 after "years"  
15 insert "or within thirty days after the change in residence or  
16 the effective date of the merger for attendance during the current  
17 school year"; and in lines 6 and 7 strike "sixty" through "section"  
18 and insert "thirty days".

19           4. On page 44, line 24, after the second comma insert  
20 "79-2,104,".

21           5. Renumber the remaining sections accordingly.