

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1074**

Introduced by Schilz, 47.

Read first time January 18, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend section 79-2,104, Revised  
2 Statutes Cumulative Supplement, 2010; to provide duties  
3 for the State Department of Education relating to the  
4 federal Family Educational Rights and Privacy Act of  
5 1974; and to 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, 2010, 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, and regulations adopted thereunder.

18 (4) The State Department of Education shall adopt and  
19 promulgate rules and regulations providing for a uniform  
20 interpretation of the federal Family Educational Rights and Privacy  
21 Act of 1974, 20 U.S.C. 1221, et seq. Such rules and regulations shall  
22 apply to all elementary and secondary schools in the state which  
23 receive funding from the United States Department of Education and  
24 shall ensure that sharing of student data is uniform between and  
25 among such schools.

1                   Sec. 2. Original section 79-2,104, Revised Statutes  
2 Cumulative Supplement, 2010, is repealed.