

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**FIRST REPRINT** **S.B. 339**

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SENATE BILL No. 339—COMMITTEE ON JUDICIARY

(ON BEHALF OF NEVADA SHERIFFS AND CHIEFS ASSOCIATION)

MARCH 14, 2001

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Referred to Committee on Judiciary

SUMMARY—Provides for release of education record to certain persons under certain circumstances. (BDR 34-424)

FISCAL NOTE:   Effect on Local Government: No.  
                      Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to education records; providing for the release of education records to certain persons under certain circumstances; providing civil and criminal immunity to certain persons under certain circumstances for the release or failure to release such records; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 386.655 is hereby amended to read as follows:  
2     386.655 1. The department, the school districts and the public  
3     schools shall, in operating the statewide automated system of information  
4     established pursuant to NRS 386.650, comply with the provisions of:  
5     (a) For all pupils, the Family Educational Rights and Privacy Act, 20  
6     U.S.C. § 1232g, and any regulations adopted pursuant thereto; and  
7     (b) For pupils with disabilities who are enrolled in programs of special  
8     education, the provisions governing access to education records and  
9     confidentiality of information prescribed in the Individuals with  
10    Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations  
11    adopted pursuant thereto.  
12    2. Except as otherwise provided in 20 U.S.C. § 1232g(b) , ~~and~~ any  
13    other applicable federal law ~~and~~ *and the laws of this state*, a public school  
14    shall not release the education records of a pupil to a person or an agency  
15    of a federal, state or local government without the written consent of the  
16    parent or legal guardian of the pupil.  
17    3. In addition to the record required pursuant to 20 U.S.C. §  
18    1232g(b)(4)(A), each school district shall maintain within the statewide  
19    automated system of information an electronic record of all persons and



1 agencies who have requested the education record of a pupil or obtained  
2 access to the education record of a pupil, or both, pursuant to 20 U.S.C. §  
3 1232g. The electronic record must be maintained and may only be  
4 disclosed in accordance with the provisions of 20 U.S.C. § 1232g.

5 4. The right accorded to a parent or legal guardian of a pupil pursuant  
6 to subsection 2 devolves upon the pupil on the date on which he attains the  
7 age of 18 years.

8 5. As used in this section, unless the context otherwise requires,  
9 "education records" has the meaning ascribed to it in 20 U.S.C. §  
10 1232g(a)(4).

11 **Sec. 2.** NRS 392.029 is hereby amended to read as follows:

12 392.029 1. If a parent or legal guardian of a pupil requests the  
13 education records of the pupil, a public school shall comply with the  
14 provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

15 2. If a parent or legal guardian of a pupil reviews the education records  
16 of the pupil and requests an amendment or other change to the education  
17 records, a public school shall comply with the provisions of 20 U.S.C. §  
18 1232g(a) and 34 C.F.R. Part 99.

19 3. ~~Except as otherwise provided in 20 U.S.C. § 1232g(b), a~~ A public  
20 school shall not release the education records of a pupil to a person, agency  
21 or organization without the written consent of the parent or legal guardian  
22 of the pupil ~~H~~ , *except for a release of education records without*  
23 *consent:*

24 *(a) To a juvenile probation officer, law enforcement officer or district*  
25 *attorney who is conducting an investigation pursuant to chapter 62 or*  
26 *392 of NRS; or*

27 *(b) As otherwise authorized pursuant to 20 U.S.C. § 1232g(b).*  
28 *Upon receipt of information pursuant to this subsection, a person*  
29 *receiving the information shall certify in writing to the public school that*  
30 *the information received will not be disclosed to any other person except*  
31 *as otherwise provided by state law without the prior written consent of*  
32 *the parent or guardian of the pupil.*

33 4. If a public school administers a program which includes a survey,  
34 analysis or evaluation that is designed to elicit the information described in  
35 20 U.S.C. § 1232h, it must comply with the provisions of that section.

36 5. A right accorded to a parent or legal guardian of a pupil pursuant to  
37 the provisions of this section devolves upon the pupil on the date on which  
38 he attains the age of 18 years.

39 6. A public school shall, at least annually, provide to each pupil who is  
40 at least 18 years of age and to a parent or legal guardian of each pupil who  
41 is not at least 18 years of age, written notice of his rights pursuant to this  
42 section.

43 7. The provisions of this section:

44 (a) Are intended to ensure that each public school complies with the  
45 provisions of 20 U.S.C. §§ 1232g and 1232h;

46 (b) Must, to the extent possible, be construed in a manner that is  
47 consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted  
48 pursuant thereto;



\* S B 3 3 9 R 1 \*

1 (c) Apply to a public school regardless of whether the school receives  
2 money from the Federal Government; and

3 (d) Do not impair any right, obligation or prohibition established  
4 pursuant to ~~chapter~~ *chapters 62 and* 432B of NRS.

5 8. The state board may adopt such regulations as are necessary to  
6 ensure that public schools comply with the provisions of this section.

7 9. *A public school or an employee of a public school who, in good*  
8 *faith, releases or fails to release education records pursuant to subsection*  
9 *3 is immune from civil or criminal liability for releasing or failing to*  
10 *release education records pursuant to subsection 3 unless the public*  
11 *school or employee of the public school acted with gross negligence.*

12 10. As used in this section, unless the context otherwise requires,  
13 “education records” has the meaning ascribed to it in 20 U.S.C. §  
14 1232g(a)(4).

15 **Sec. 3.** This act becomes effective upon passage and approval.

