

SENATE BILL NO. 228—SENATOR GUSTAVSON

MARCH 9, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the disclosure of personally identifiable information of a pupil by a school district or public school. (BDR 34-848)

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.

AN ACT relating to education; prohibiting a school district or public school from disclosing the personally identifiable information of a pupil to certain persons without written consent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law provides that, in order to receive certain funds, a school district or public school may not release personally identifiable information other than directory information that is contained in the education records of a pupil without the written consent of the parent or legal guardian of the pupil. (20 U.S.C. § 1232g) Federal law defines "directory information" to include a pupil's name, address, telephone listing, date and place of birth, major field of study, participation in certain activities, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the pupil. This bill prohibits a school district or public school, including, without limitation, a charter school, from allowing the release of personally identifiable information, including any such information which is directory, to anyone other than an employee of the school district or school without the written consent of: (1) the parent or legal guardian of the pupil, if the pupil is under 18 years of age; or (2) the pupil, if he or she is 18 years of age or older.



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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a school district and a public school, including, without limitation, a charter school, shall not allow the release of personally identifiable information contained in the education records of a pupil, including, without limitation, any such information that is directory information, without the written consent of:

(a) The parent or legal guardian of the pupil, if the pupil is under 18 years of age; or

(b) The pupil, if he or she is 18 years of age or older.

2. A school district or public school, including, without limitation, a charter school, may release personally identifiable information contained in the education records of a pupil, including, without limitation, any such information that is directory information, without the written consent required pursuant to subsection 1 to a school official or the parent or guardian of a pupil when authorized pursuant to 20 U.S.C. §§ 1232g(a) and 1232g(b).

3. As used in this section:

(a) "Directory information" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(5).

(b) "Education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

(c) "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

(d) "School official" means a licensed or unlicensed employee of a school district or public school, including, without limitation, a charter school.

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

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

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

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



1 ~~—4.1~~ If a public school administers a program which includes a
2 survey, analysis or evaluation that is designed to elicit the
3 information described in 20 U.S.C. § 1232h, it must comply with
4 the provisions of that section.

5 ~~[5.1]~~ 4. A right accorded to a parent or legal guardian of a pupil
6 pursuant to the provisions of this section devolves upon the pupil on
7 the date on which the pupil attains the age of 18 years.

8 ~~[6.1]~~ 5. A public school shall, at least annually, provide to each
9 pupil who is at least 18 years of age and to a parent or legal guardian
10 of each pupil who is not at least 18 years of age, written notice of
11 his or her rights pursuant to this section.

12 ~~[7.1]~~ 6. The provisions of this section:

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

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

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

20 (d) Do not impair any right, obligation or prohibition established
21 pursuant to chapter 432B of NRS.

22 ~~[8.1]~~ 7. The State Board may adopt such regulations as are
23 necessary to ensure that public schools comply with the provisions
24 of this section.

25 ~~[9.1]~~ 8. As used in this section, unless the context otherwise
26 requires, “education records” has the meaning ascribed to it in 20
27 U.S.C. § 1232g(a)(4).

28 **Sec. 3.** This act becomes effective on July 1, 2015.

